This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

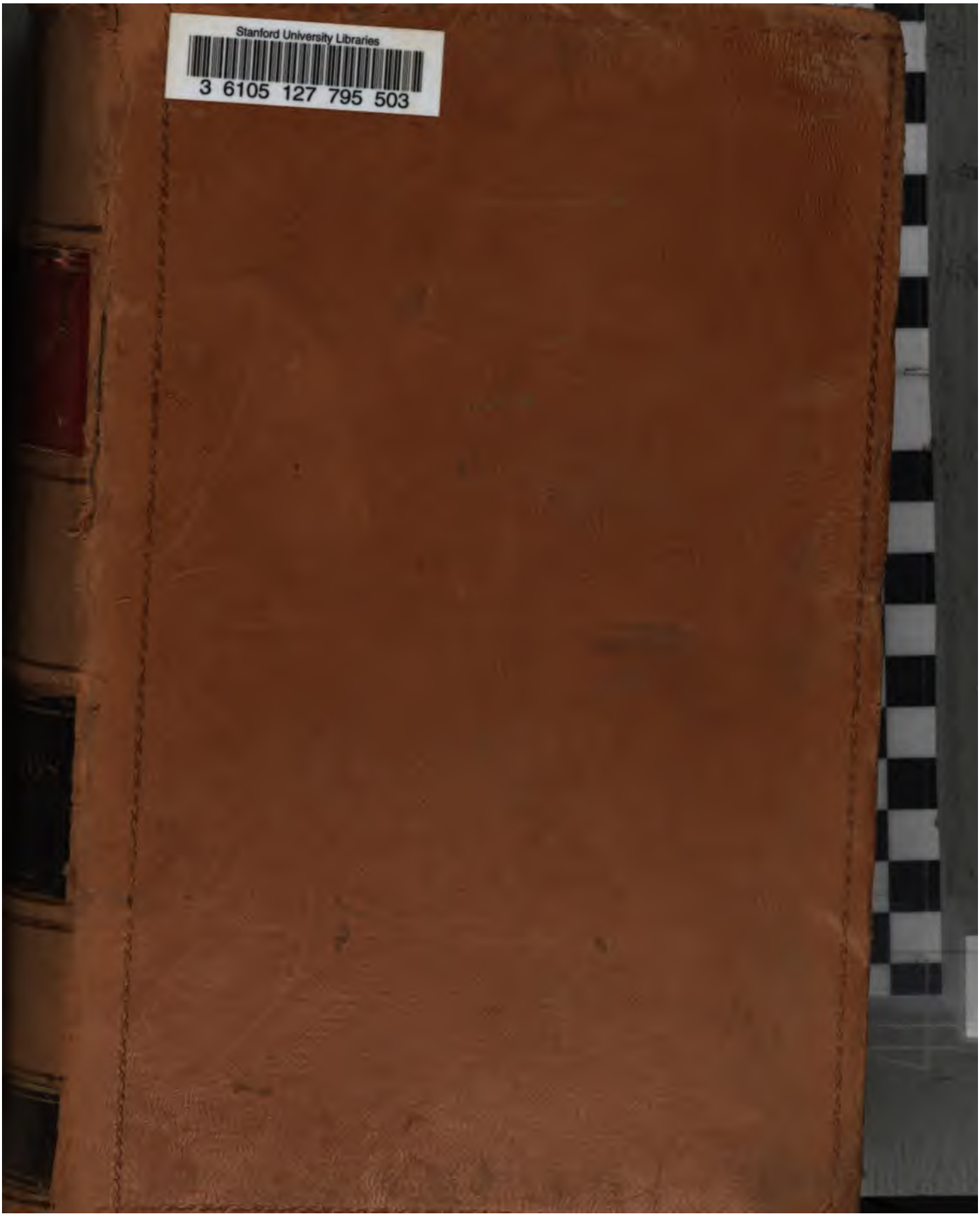
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

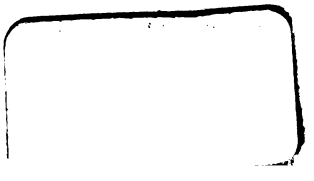
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


Stanford University Libraries
3 6105 127 795 503



INDEX

TO THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-EIGHTH CONGRESS,

1883-'84.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

LIBRARY
OF THE
LELAND STANFORD JUNIOR
UNIVERSITY.

A.7622

INDEX TO EXECUTIVE DOCUMENTS OF HOUSE OF REPRESENTATIVES.

CONTENTS OF THE VOLUMES.

VOL. 1. FOREIGN RELATIONS: No. 1, pt. 1.
VOL. 2. WAR: No. 1, pt. 2, v. 1.
VOL. 3. ENGINEERS: No. 1, pt. 2, v. 2, pt. 1.
VOL. 4. ENGINEERS: No. 1, pt. 2, v. 2, pt. 2.
VOL. 5. ENGINEERS: No. 1, pt. 2, v. 2, pt. 3
VOL. 6. ORDNANCE: No. 1, pt. 2, v. 3.
VOL. 7. SIGNAL OFFICER: No. 1, pt. 2, v. 4.
VOL. 8. NAVY: No. 1, pt. 3, pts. 1 and 2.
VOL. 9. POSTMASTER-GENERAL: No. 1, pt. 4.
VOL. 10. INTERIOR: No. 1, pt. 5, v. 1.
VOL. 11. No. 1, pt. 5, v. 2.
VOL. 12. No. 1, pt. 5, v. 3.
VOL. 13. Nos. 1, pt. 6, and Nos. 6 to 18 inclusive, except No. 7.
VOL. 14. No. 2.
VOL. 15. Nos. 3 and 4.
VOL. 16. Nos. 5, 31, 35, 64, 82.
VOL. 17. No. 7.
VOL. 18. Nos. 19 to 36 inclusive, except Nos. 31 and 35.
VOL. 19. No. 37.
VOL. 20. No. 38 to 92 inclusive, except Nos. 43, 64, 73, 82, and 84.
VOL. 21. No. 43.
VOL. 22. No. 73.
VOL. 23. No. 84.
VOL. 24. Nos. 93 to 99 inclusive.
VOL. 25. Nos. 100 to 103 inclusive.
VOL. 26. Nos. 104 to 128 inclusive.
VOL. 27. Nos. 129 to 175 inclusive, except No. 172.
VOL. 28. No. 172.
VOL. 29. No. 176, pt. 1.
VOL. 30. No. 176, pt. 2.
VOL. 31. No. 177.
VOL. 32. No. 178.

INDEX TO THE DOCUMENTS.

Subject.	Vol.	No.	Part.
A.			
Acqueduct Bridge, District of Columbia, letter from the Secretary of War relative to	29	169	
Adjutant-General of the Army, annual report (vol. 1)	2	1	2
Admiral of the Navy, annual report of (vol. 1)	8	1	3
Advisory Board of the Navy, annual report of (vol. 1)	8	1	3
Agriculture, report of Commissioner of, for 1884	32	178	
Alaska, letter from the Secretary of the Treasury relative to new revenue steamer to cruise in the waters of	20	60	
American-Spanish Claims Commission, message of the President relative to payment of umpires of	27	149	
American College, Italy, Secretary of State transmits report relative to threatened confiscation of	27	143	
Animals, domestic, report of Treasury Cattle Commission on cattle disease in Kansas and Illinois	27	159	
letter from the Secretary of the Treasury in regard to quarantine stations for	20	69	
Appropriation, letter from the Secretary of the Treasury asking for a deficiency appropriation for printing Treasury notes	20	46	

Subject.	Vol.	No.	Part.
Appropriation, letter from the Secretary of the Treasury transmitting estimates for deficiencies in	16	82	
letter from the Commissioners of the District of Columbia transmitting estimates for expenses of District for year ending June 30, 1885	16	31	
letter from the Secretary of the Treasury transmitting estimates of appropriations for the year ending June 30, 1885	16	5	
Architect of the United States Capitol, annual report of the (vol. 2)	11	1	5
Arizona, annual report of the governor of (vol. 2)	11	1	5
Army, report of the Secretary of War, with list of officers tried by courts-martial	26	104	
letter from the Secretary of War giving information relative to officers of the	20	81	
annual report of the Chief of Ordnance of the (vol. 3)	6	1	2
annual report of the Adjutant-General of (vol. 1)	2	1	2
report by officer in charge of education in (vol. 1)	2	1	2
Atchison, Topeka and Santa Fé Railroad, letter from the Secretary of the Interior in regard to certification of lands to	20	90	
Attorney-General, letter giving estimates of deficiencies on account of expenses of United States courts	27	131	
annual report for the year 1883	13	8	
Attorneys. (*See* Courts of United States.)			
Auditor of the Treasury for the Post-Office Department, annual report of	9	1	4
Augur, Brig. Gen. C. C., annual report of (vol. 1)	2	1	2
B.			
Beattyville, Ky., papers relative to lock and dam at	18	36	
Belgium, convention between the United States and, concerning the exchange of postal orders	9	1	4
Blunt, William E., letter from the Postmaster-General transmitting claim of	20	51	
Board of Equitable Adjudication, list of suspended entries of public lands acted on by the	20	58	
Bureau of Construction and Repair, annual report of (vol. 1)	8	1	3
Equipment and Recruiting, annual report of (vol. 1)	8	1	3
Medicine and Surgery, annual report of (vol. 2)	8	1	3
Navigation, annual report of (vol. 1)	8	1	3
Ordnance, annual report of (vol. 1)	8	1	3
Provisions and Clothing, annual report of (vol. 1)	8	1	3
Statistics, annual report and statements of the chief of (foreign commerce)	17	7	
Steam-Engineering, annual report of (vol. 1)	8	1	3
Yards and Docks, annual report of the (vol. 1)	8	1	3
Burlington and Missouri River Railroad, concerning land grant to	26	118	
C.			
Capitol, annual report of the Architect of the United States (vol. 2)	11	1	5
letter from Secretary of Treasury transmitting estimates for proposed terrace and approaches for the United States	13	9	
Carson and Colorado Railroad Company, letter from Secretary of the Interior relative to right of way through Walker River Reservation	13	15	
Cattle. (*See* Animals.)			
Cattle commission. (*See* Treasury Cattle Commission.)			
Census, annual report of the Superintendent of the (vol. 2)	11	1	5
letter from the Secretary of the Interior relative to proposed census for 1885	27	175	

Subject.	Vol.	No.	Part.
Central America, report of the Secretary of State on arrest of American citizens at Aspinwall, in	27	130	
Chicago, Milwaukee and Saint Paul Railroad, letter from the Secretary of War relative to right of way through Lake Travers Reservation to	20	71	
Chief of Engineers, relative to harbor of refuge at Sand Beach, Lake Huron	20	53	
letter, with inclosure, containing draft of a bill for the government and control of the Saint Mary's Falls Canal	20	54	
Chief of Ordnance, annual report of (vol. 3)	6	1	2
China, letter from the Secretary of State on rent of consular premises in	27	171	
Chippewa Indians. (*See* Indians.)			
Civil service, report of the Secretary of the Treasury on appointment of discharged soldiers and sailors in	27	142	
Civil Service Commission, first annual report of the	26	105	
Claims, abstract showing character and amount of all claims presented since December 6, 1882, for depredations committed by Indians	18	23	
list of claims of postmasters allowed or disallowed prior to December 1, 1883	20	50	
list of claims arising under act of July 4, 1864	20	65	1
letter from the Secretary of the Treasury giving schedule of claims allowed under exhausted appropriations	20	67	
Schedule of claims allowed under act of August 7, 1882, on account Indian service	20	72	
report of the Secretary of the Treasury of claims allowed under exhausted appropriations	27	144	
report of the Secretary of the Treasury on claims certified	27	157	
Coast and Geodetic Survey, letter from the Secretary of the Treasury transmitting statement showing expenditures made on account of	20	63	
Coins and coinage, report of the Secretary of the Treasury in regard to mutilated and light-weight coins	20	79	
Colombia, report of the Secretary of State on arrest of American citizens at Aspinwall, in State of	27	130	
Columbia Institution for the Deaf and Dumb, annual report relative to condition of (vol. 2)	11	1	5
Commissary-General of Subsistence, annual report of (vol. 1)	2	1	2
Commerce and Navigation, report of the Chief of Bureau of Statistics on foreign	17	7	
Commercial relations, annual report from consuls of United States on commerce, manufactures, &c., of their several districts	29	176	1
	30	176	2
	32	178	
Commissioner of Agriculture, report of, for 1884	13	6	6
Commissioners of the District of Columbia, annual report of the	10	1	5
Commissioner of General Land Office, annual report of (vol. 1)			
report relative to certification of land for the Atchison, Topeka and Santa Fé Railroad	20	90	
Commissioner of Indian Affairs, annual report of the (vol. 2)	11	1	5
letter relative to deficiency in appropriation for Indian Bureau	13	18	
transmits tabular statement of disbursements made for the Indian Department for year ending June 20, 1883	13	6	
Commissioner of Internal Revenue, annual report of the	15	4	
recommending an appropriation for the payment of certain persons employed in the Internal Revenue Office	20	41	

Subject.	Vol.	No.	Part.
Commissioner of Internal Revenue, report relative to suspension of taxes on whisky	20	62	
Patents, annual report for 1883	22	73	
Pensions, annual report of (vol. 1)	10	1	5
Railroads, annual report of (vol. 1)	10	1	5
Comptroller of the Currency, annual report of the	15	3	
Consular and Diplomatic Service, letter from the Secretary of State, giving statement of fees collected, accounted for, and reported by various diplomatic officers of the United States for 1882–1883	20	78	
letter from the Secretary of State in regard to proposed reorganization of the consular service	26	121	
report of the Secretary of State relative to appropriation bill for support of the	27	146	
Contractors. (*See* Mail Contractors.)			
Contributions for political purposes, reply of the Secretary of State relative to the distribution of circulars in his Department asking for	20	47	
reply of Postmaster-General relative to the distribution of circulars in his Department asking for	20	48	
reply of the Secretary of Navy, relative to the distribution of circulars in his Department asking for	20	49	
Cotton Centennial Exposition, New Orleans:			
Preliminary report of board of managers of	27	152	
Message of President recommending appropriation for Government exhibits at	27	166	
Courts-martial, report of the Secretary of War, with list of officers tried by	26	104	
Courts of United States:			
Letter from the Secretary of the Treasury, showing gross earnings per annum of United States attorneys and expenses of their offices, &c	20	92	
Letter from the Secretary of the Treasury showing gross earnings per annum of United States attorneys and expenses of their offices, &c	26	112	
Letter from Attorney-General giving estimates of deficiencies on account of expenses of	27	131	
Report of the Secretary of the Treasury on court officers' fees	27	135	
Crook, Brig. Gen. George, annual report of (vol. 1)	2	1	2
Currency, annual report of the Comptroller of the	15	3	
Customs districts, letter from the Secretary of the Treasury showing number of	24	94	
Custom duties. (*See* Import Duties.)			
officers' statement of official fees and emoluments received during year ending June 30, 1883, by	20	68	
D.			
Dakota, annual report of the governor of (vol. 2)	11	1	5
Dakota Central Railroad, letter from the Secretary of the Interior relative to granting right of way through Sioux Reservation to	13	11	
Deficiency appropriation. (*See* Appropriations.)			
Department of Justice, estimate of deficiency appropriation for	27	131	
Department of State:			
Statement of disbursements of the contingent fund for year ending June 30, 1883	18	25	
Relative to the distribution of circulars asking for contributions for political purposes in the	20	47	
List of clerks and others employed in the	20	77	
Director of the Mint, annual report of the (1883)	31	177	
Distilled spirits, letter from the Secretary of the Treasury relative to suspension of taxes on whisky	20	62	
District of Columbia:			
Annual report of the Commissioners of the	13	1	6
Estimate of appropriations from the Commissioners for the year ending June 30, 1885, for expenses of the	16	31	

Subject.	Vol.	No.	Part.
District of Columbia—Continued:			
Letter from the Secretary of War relative to Aqueduct Bridge at Georgetown	29	169	
Dry-docks. (*See* Navy-yards.)			
Duck Valley Reservation. (*See* Indians.)			
E.			
Education, report of officer in charge of same in the Army (vol. 1)	2	1	2
Engineers, annual report of the Chief of, in three parts:			
Volume 2, part 1	3	1	2
Volume 2, part 2	4	1	2
Volume 2, part 3	5	1	2
Extradition, report of Secretary of State on extradition treaty of 1882 with Great Britain	27	156	
F.			
Fees. (*See* Custom Officers.)			
Fire-escapes, report of the commission to provide fire-escapes for public buildings (vol. 2)	11	1	5
First Assistant Postmaster-General, annual report of	9	1	4
Foot-and-mouth disease, letter from the Secretary of State concerning measures taken by Great Britain for prevention of	26	116	
Foreign decorations, letter from the Secretary of the Navy relative to presents, decorations, &c., to officers of the Navy	20	66	
Foreign intercourse, letter from the Secretary of the Treasury transmitting a communication from the Secretary of State, relative to changes desired in the estimates of his Department, relating to	13	10	
Foreign mail service, report of the superintendent of	9	1	4
Foreign relations of the United States, papers relating to the	1	1	1
Foreign works of art, message from the President relative to tariff discrimination on	26	111	
Foreigners, letter of the Secretary of the Interior relative to entries of public lands by	27	165	
Fort Adams, Rhode Island, letter from the Secretary of War transmitting plans of new barracks at	18	30	
Fort Preble, Maine, letter from the Secretary of the Interior relative to purchase of additional lands for	18	33	
Fort Riley, Kansas, letter from the Secretary of the Interior relative to bridge on Republican River, at or near	18	21	
Fort Smith, Arkansas, report of the Secretary of War on harbor at	27	151	
Fortifications, message of the President recommending armament of	27	133	
Foundry, report of Gun Foundry Board on best location to establish a Government	24	97	
Fourth of July claims (1864). (*See* Claims.)			
Freedmen's Hospital and Asylum, report relative to condition of affairs at (vol. 2)	11	1	5
letter of the Secretary of the Interior relative to accounts of	26	108	
French Claim Commission, report of the Secretary of State on final awards made by	27	136	
French and American Claims Commission, report of the Secretary of State relative to	27	173	
G.			
Garfield, James A., letter from Colonel Rockwell, relative to statue of	26	120	
General of the Army, annual report of (vol. 1)	2	1	2
General Land Office, annual report of Commissioner (vol. 1)	10	1	5
Geological Survey, annual report of Director for 1883 (vol. 3)	12	1	5

Subject.	Vol.	No.	Part.
Government Hospital for the Insane, report of the Board of Visitors of the (vol. 2)	11	1	5
Grand River, Michigan, report of the Secretary of War on the improvement of	27	150	
Great Britain, report from the Secretary of State relative to extradition treaty of 1882 with	27	156	
Greeely relief expedition, message from the President of the United States relative to	20	56	
Gold and silver certificates, letter from the Secretary of the Treasury in relation to the issue of	20	55	
Guatemala, report of the Secretary of State on boundary between Mexico and	27	154	
Gun Foundry Board, report relative to location for establishing a Government foundry	24	97	
H.			
Hale, W. J., message of the President transmitting papers relative to claim of	27	168	
Hancock, Maj. Gen. W. S., annual report of (vol. 1)	2	1	2
Harbors of refuge, letter from the Chief of Engineers relative to the care of the one at Sand Beach, Lake Huron	20	53	
Haswell, John H., letter from the Secretary of State relative to purchase of "Chronological History" prepared by	26	124	
Hogs. (*See* Swine Products.)			
Hot Springs, Ark., letter from the Secretary of the Interior in reference to the improvements at	20	89	
Howard, Brig. Gen. O. O., annual report of (vol. 1)	2	1	2
Hudson River, letter from the Secretary of the Treasury relative to increase of estimate for lights on	20	91	
Hunt, Maj. Gen. H. J., annual report of (vol. 1)	2	1	2
Huron, United States steamer, finding of court on loss of (vol. 1)	8	1	3
I.			
Import duties, letter from the Secretary of the Treasury relative to, refunded	18	20	
letter from the Secretary of the Treasury relative to undervaluation of wool and woolen yarns	25	101	
report of Secretary of State on tariff discrimination against foreign works of art	26	111	
message from the President relative to undervaluation and other irregular practices in the importation of foreign merchandise	26	128	
Indian Affairs, annual report of the Commissioner of (vol. 2)	11	1	5
letter from the Commissioner of, relative to deficiency in appropriation for Indian Bureau	13	18	
Indian Bureau, letter from the Secretary of the Interior relative to deficiency in the appropriation for the	13	18	
report of the Secretary of the Treasury of claims allowed under act of August 7, 1882, for services and supplies to	20	72	
report on open market expenditures	24	95	
estimate of appropriation to pay claims against, for services and supplies	27	145	
Indian Commissioners, annual report of Board of (vol. 2)	11	1	5
Indian Department, tabular statements of disbursements made for the year ending June 30, 1883, for the	13	6	
Indian depredation claims, letter from the Secretary of the Interior showing character and amount of all, presented since date of last report December 6, 1882	18	23	
abstract showing nature and amount of all claims reported from December 5, 1883, to February 20, 1884	25	102	
report of the Secretary of the Interior on list of claims allowed	27	132	

Subject.	Vol.	No.	Part.
Indian reservations, letter from the Secretary of the Interior relative to timber depredations on	13	14	
Indian schools, report of the superintendent of (vol. 2)	11	1	5
Indians, allotment of land in severalty, letter from the Secretary of the Interior, relative to granting to Chippewa Indians	13	12	
Chippewa, relative to allotment of land in severalty to	13	12	
letter from the Secretary of the Interior relative to damages accruing to the	20	76	
Duck Valley, Nevada, relative to payment to certain settlers in Nevada for occupancy and improvements on lands taken for use of Shoshone Indians in	13	13	
Kickapoo, letter from the Secretary of the Interior relative to settlement of estates of deceased	13	16	
Lake Traverse Reservation, relative to right of way to Chicago, Milwaukee and Saint Paul Railroad through the	20	71	
Mille Lac Reservation, report of the Secretary of the Interior on	27	148	
Shoshone, relative to lands taken in Duck River Valley for use of the	13	13	
trespass, relative to, on lands belonging to Indians	13	17	
Sioux Reservation, letter from the Secretary of the Interior, relative to granting right of way to Dakota Central Railroad through	13	11	
Interior Department, report of the architects on the reconstruction of the Patent Office building in the (vol. 2)	11	1	5
statement of the expenditures of the contingent funds of the several Bureaus of the	20	59	
Interior, Secretary of. (*See* Secretary of the Interior.)			
Internal Revenue, annual report of the Commissioner of	15	4	
Intrenal Revenue Office, relative to an appropriation for the payment of certain persons employed in the	20	41	
Internal revenue taxes, letter from the Secretary of the Interior relative to suspension of taxes for whisky	20	62	
International time standard, message of the President relative to international convention on	27	138	
Inspector-General, annual report of (vol. 1)	2	1	2
Italy, report of the Secretary of State relative to exemption from sale of American College in	27	143	
J.			
Jeannette, steamer, letter of the Secretary of the Navy relative to relief of survivors of	27	163	
Judge-Advocate-General, annual report of (vol. 1)	2	1	2
K.			
Kentucky River, relative to an appropriation for locks and dams on	26	117	
Kickapoo Indians. (*See* Indians.)			
L.			
Lady Franklin Bay Expedition, communications from the Secretary of War and the Secretary of the Navy, relative to the relief of Greely and party, composing what is known as the	20	56	
Lake Traverse Indian Reservation. (*See* Indians.)			
Land grants. *See* under head of respective railroad companies.)			
Lasker, Edward, documents from the Secretary of State on resolution of House on death of	26	113	
Light-House Board, letter requesting an increased estimate for lights on the Hudson River	20	91	

Subject.	Vol.	No.	Part.
Lights, letter from the Secretary of the Treasury relative to increase of estimate for lights on Hudson River	20	91	
Livingston, Maj. L. L., annual report of (vol. 1)	2	1	2
M.			
Mail contractors, letter from the Postmaster-General transmitting a report on fines imposed on	18	19	
Mails. (*See* Postal Service.)			
Marine Corps, report of the commandant of (vol. 1)	8	1	3
Marshals, report of the Secretary of the Treasury on the number employed in West Virginia during 1882 and 1883	20	75	
Medicine and Surgery, Bureau of, annual report of the (vol. 2)	8	1	3
Merritt, Col. W., annual report of (vol. 1)	2	1	2
Mexican boundary, message of the President on relocating monuments marking	27	158	
Mexican claims, message from the President relative to the payment of claims specified by act of 1878	25	103	
Mexico, letter from the Secretary of the Treasury in regard to the trade between the United States and	20	86	
report of the Secretary of State on boundary between Guatemala and	27	154	
Military Academy, West Point, report of the Board of Visitors to (vol. 1)	2	1	2
Military establishment, statement of expenditures from the appropriation for contingent expenses of the	20	39	
Militia, abstract of the militia force of the United States	20	80	
Mille Lac Indian Reservation. (*See* Indians.)			
Mint, report of the Director on the production of precious metals in the United States for 1883	31	177	
Mississippi River Commission, annual report of the, for 1883	19	37	
Money Order System, annual report of the Superintendent of the	9	1	4
Montana, annual report of the governor of (vol. 2)	11	1	5
Mulvihill, Thomas, letter from the Secretary of War relative to reconveyance of lands to	18	29	
N.			
National Board of Health, statement of expenditures for the quarters ending March and June, 1883, of the	18	34	
annual report of the, for 1883	21	43	
Naval Academy, annual report of the Superintendent of (vol. 1)	8	1	3
Navy, annual report of the Surgeon-General of the (vol. 2)	8	1	3
Bureau of Medicine and Surgery (vol. 2)	8	1	3
letter from the Secretary, in regard to presents, &c., to officers of the	20	66	
letter from the Secretary of the Navy relative to employment of commissioned and warrant officers of the	26	125	
message of the President in regard to reconstruction of the	26	127	
report of the Secretary of the Navy on disposition of unseaworthy vessels in	27	170	
tabular statement showing the personnel of (vol 1)	8	1	3
Navy Department, relative to the distribution of circulars asking for contributions for political purposes in the	20	49	
statement of the expenditure of contingent funds for 1883 for	20	74	
Navy, Secretary of the. (*See* Secretary of Navy.)			
Navy-yard Commission, Report on the reorganization of navy-yards, (vol. 1)	8	1	3
Navy-yards, tabular statement of officers, marines, and civil employés employed at the different (vol. 1)	8	1	3
letter from Secretary of Navy relative to dry-dock at New York	27	164	

Subject.	Vol.	No.	Part.
Neat cattle. (*See also* Animals, domestic). letter from the Secretary of Treasury in regard to quarantine stations for	20	69	
New York, statement of sums paid in to Treasurer by commissioner of the port of	20	85	
New York City, report of the commissioners appointed to appraise certain premises and buildings in	20	42	
report of Secretary of Treasury on appointment of discharged soldiers and sailors in custom-house at	27	142	
Newcome, L. A., report of inspector on charges against	24	99	
Northern Pacific Railroad Company, letter from Secretary of Interior relative to the definite location of various parts of the line	26	114	
O.			
O'Donnell, Patrick, papers relating to the trial and execution of	18	33	
Ordnance, annual report of Chief of (vol. 3)	6	1	2
Otis, Col. E. S., annual report of (vol. 1)	2	1	2
Oxenham, E. L., letter of Secretary of State relative to presenting testimonial to	27	155	
P.			
Patent Office, report of Secretary of Interior on accommodations for	27	141	
Patents, annual report of Commissioner of	22	73	
Paymaster-General, annual report of (vol. 1)	2	1	2
Pension building, report of the superintending engineer on the construction of the new (vol. 2)	11	1	5
Pensions, annual report of Commissioner of (vol. 1)	10	1	5
Pine Bluff, Arkansas, report of Secretary of War on harbor at	27	151	
Poe, Lieut. Col. O. M., statistical report relative to transcontinental railways (vol. 1)	2	1	2
Polar, Melissa G., message from President returning bill for relief of	27	167	
Pope, Maj. Gen. John, annual report of (vol. 1)	2	1	2
Postal-cards, estimates for supplying	26	126	
Postal orders, convention between United States and Belgium concerning the exchange of	9	1	4
Postal service, report of the Postmaster-General relative to offers and contracts for carrying the mails, &c	23	84	
Postmaster-General:			
Annual report, in 1 volume, embracing reports of—			
The Postmaster-General	9	1	4
Auditor of the Treasury for the Post-Office Department	9	1	4
Appropriations, estimate for deficiency	26	123	
estimate of deficiency for postmasters' salaries	27	134	
Blunt, W. E., transmitting claim of	20	51	
Claims of postmasters, list of claims allowed or disallowed prior to December 1, 1883	20	50	
President of the United States:			
Transmits—			
Postmaster-General:			
Contributions for political purposes, relative to distribution of circulars asking for	20	48	
Contributions for political purposes, relative to the distribution of circulars asking for	20	48	
First Assistant Postmaster General	9	1	4
Letters from, relating to:			
Mail contractors, relative to fines and deductions of	18	19	
Mails, offers and contracts for carrying United States	23	84	

Subject.	Vol.	No.	Part.
President of the United States:			
Transmits—			
Postmaster-General:			
Newcome, L. A., report of post-office inspector of charge against	24	99	
Postal-cards, estimates for supplying	26	126	
Post-Office Department, account of expenditure from contingent fund of the, for year ending June 30, 1883	18	27	
Post-Office Department, report made by special agents of, having reference to the star-route investigation	25	100	
Railway Mail Service, report of committee relative to gauging the rates of pay for carrying the mails on railroad routes	16	35	
Second Assistant Postmaster-General	9	1	4
Star route cases, report of special agents of Post-Office Department having reference to the investigation of	25	100	
Superintendent of the Railway Mail Service	9	1	4
Superintendent of the Money Order System	9	1	4
Superintendent of Foreign Mails	9	1	4
Third Assistant Postmaster-General	9	1	4
Topographer of the Post-Office Department	9	1	4
Postmasters, list of claims "for loss by burglary, fire, or other casualty" allowed prior to December 1, 1883	20	50	
estimate of deficiency appropriation for salaries of.	27	134	
Post-Office Department, relative to the distribution of circulars asking for contributions for political purposes in the	20	48	
account of expenditures from the contingent fund of the, for year ending June 30, 1883	18	27	
Precious metals, report of Director of the Mint on the production of, for 1883	31	177	
President of the United States, communications from, annual message and accompanying documents, first session, Forty-eighth Congress	1	1	1
Cotton Centennial Exposition, preliminary report of board of managers of the	27	152	
recommends appropriation for Government exhibit at	27	166	
Garfield, James A., relative to statue of	26	120	
Government foundry, report on location for establishing a	24	97	
Navy, relative to the reconstruction of the	26	127	
Polar, Melissa G., returning bill for relief	27	167	
Transmits, by message, communications, &c., from—			
Secretary of the Interior:			
Carson and Colorado Railroad Company, relative to right of way through Walker River Reservation to	13	15	
Chippewa Indians, relative to allotment of lands in severalty to the Lake Superior	13	12	
Dakota Central Railway, relative to right of way through the Sioux Indian Reservation to the	13	11	
Duck Valley, Nevada, relative to payments of certain settlers in Nevada, for improvements on lands taken for use of Shoshone Indians in	13	13	
Fort Riley, Kansas, relative to the reconstruction of a bridge over Republican River at or near	18	21	
Indian Bureau, relative to deficiency in appropriation for.	13	18	
Kickapoo Indians, relative to settlement of estates of deceased	13	16	

Subject.	Vol.	No.	Part.
President of the United States:			
Transmits, by message, communications, &c., from—			
Secretary of the Interior:			
Timber depredations, relative to, depredations on Indian reservations	13	14	
Trespass, relative to, on Indian lands	13	17	
Union Pacific Railroad Company, report of Government directors of	20	83	
Utah Commission, report of	27	153	
Secretary of the Navy:			
Contributions for political purposes, relative to distribution of circulars asking for	20	49	
Greely Relief Expedition, relative to	20	56	
Secretary of State:			
American College, Italy, report relative	27	143	
American-Spanish Claims Commission, estimate for paying umpires of	27	149	
China, on rent of consular premises in	27	171	
Colombia, relative to imprisonment of American citizens by the authorities of	27	130	
Consular and diplomatic appropriation bill, report relative to	27	146	
Consular service, relative to the proposed reorganization of the	26	121	
Contributions for political purposes, relative to distribution of circulars asking for	20	47	
Foreign works of art, report on tariff discrimination against	26	111	
French claims commission, transmitting report on awards of	27	136	
French and American Claims Commission, report relative to	27	173	
Great Britain, report on extradition treaty of 1882 with	27	156	
Hale, W. J., papers relative to claim of	27	168	
International time standard, appropriations for convention to determine	27	138	
Lasker, Edward, papers relative to death of	26	113	
Mexican boundary, papers relative to selecting monuments on	27	158	
Mexican claims, papers and reports relative to payment of	25	103	
Mexico and Guatemala, report on boundary between	27	154	
O'Donnell, Patrick, papers relating to trial and execution of	18	33	
Oxenham, E. L., relative to presenting testimonial to	27	155	
Siamese embassy, relative to visit of	27	137	
Spain, relative to payments made under treaty by	27	129	
Swine products, in regard to the importation into Germany and France of American	20	70	
report of commission relative to the importation of American	26	106	
Umatilla (steamer), on rewarding the rescuers of the crew of	27	162	
Undervaluation, relative to irregular practices in importation of foreign merchandise and	26	128	
Venezuelan claims, report relative to	27	174	
Wagner Reinhardt, papers relative to reported arrest of	20	88	
	26	109	
Wakefield, Va., letter relative to wharf and road at	27	160	
Wheelock, John E., relative to arrest and imprisonment of	20	87	
	27	161	
Secretary of War:			
Fort Preble Reservation, relative to purchase of additional land for	18	22	
Fortifications, recommending appropriations for armament of	27	133	
Greely relief expedition, relative to	20	56	
Lake Traverse Indian Reservation, relative to right of way to Chicago, Milwaukee and Saint Paul Railroad through	20	71	
Mulvihill, Thomas, reconveyance of lands to	18	29	

Subject.	Vol.	No.	Part.
President of the United States:			
Transmits, by message, communications, &c., from—			
Secretary of War:			
Rivers and harbors, appropriations and expenditures for...	16	64	
Schuylkill Arsenal, Philadelphia, relative to walls at the.	20	45	
Signal Office, relative to the printing and binding of additional copies of annual report of Chief of	18	24	
Soldiers' Home, Washington, D. C., relative to appropriation for	18	26	
Public buildings:			
Annual report of the Architect of the United States Capitol (vol. 2)	11	1	5
Report of commission to provide fire-escapes for (vol. 2)...	11	1	5
Report of the superintending engineer on the construction of the new Pension building (vol. 2)	11	1	5
Public buildings and grounds, Washington, D. C.:			
Report of officer in charge of new State, War, and Navy building (vol. 1)	2	1	2
Public lands:			
Letter from Secretary of Interior relative to unlawful fencing of	26	119	2
Letter from the Secretary of the Interior relative to entries of lands by foreign corporations	27	165	
List of suspended entries of lands under the pre-emption laws	20	57	
List of suspended entries of lands acted upon by the Board of Equitable Adjudication	20	58	
Letter from Secretary of Navy relative to an appropriation to supply deficiency in	20	52	
Public revenue and expenses, statistical abstract of (sixth number)	18	32	
Q.			
Quarantine stations, letter from the Secretary of the Treasury in relation to, for neat cattle	20	69	
Quartermaster-General, annual report of (vol. 1)	2	1	2
R.			
Railroads. (Note.—*See also* under head of respective corporations.)			
Annual report of Commissioner of (vol. 1)	10	1	5
Railway Mail Service, annual report of the Superintendent of the.	9	1	4
report of committee relative to gauging the rates of pay for carrying the mails on railroad routes	16	35	
Rebellion records (*see* Records of the Rebellion) (vol. 1)	2	1	2
Receipts and expenditures, annual report for 1878	24	93	
annual report for 1879	24	98	
Records of the Rebellion, report of officer in charge of publication of (vol. 1)	2	1	2
Republican River, letter from the Secretary of the Interior relative to bridge over the	18	21	
Revenue Marine Service, letter of the Secretary of the Treasury recommending building new revenue steamer	20	60	
Right of way, letter from the Secretary of the Interior relative to granting right of way to Dakota Central Railroad through Sioux Reservation, in Dakota	13	11	
Letter from the Secretary of the Interior relative to granting right of way to Carson and Colorado Railroad Company through Walker River Indian Reservation	13	15	
Relative to granting same to Chicago, Milwaukee and Saint Paul Railroad through Lake Traverse Indian Reservation	20	71	

Subject.	Vol.	No.	Part.
Rivers and harbors. (Note.—*See also* under head of respective names of rivers.)			
Letter from the Secretary of War relative to appropriations and expenditures for	16	64	
Report of the Secretary of War on immediate appropriations for	24	96	
Ruger, Col. Thomas H., annual report of (vol. 1)	2	1	2
S.			
Sand Beach, Lake Huron, Mich., letter from the Chief of Engineers relative to harbor of refuge at	20	53	
Saint Mary's Falls Canal, Michigan, letter from the Chief of Engineers in reference to the government and control of the	20	54	
Schofield, Maj. Gen. J. M., annual report of (vol. 1)	2	1	2
Schuylkill Arsenal, Philadelphia, Pa., letter from the Secretary of War relative to walls at the	20	45	
Second Assistant Postmaster-General, annual report of	9	1	4
Secretary of the Interior:			
Annual report of, in 4 volumes, embracing reports from—			
The Secretary (vol. 1)	10	1	5
Architect of the United States Capitol (vol. 2)	11	1	5
Architect on the reconstruction of the Interior Department building (vol. 2)	11	1	5
Arizona, governor of (vol. 2)	11	1	5
Board of Indian Commissioners (vol. 2)	11	1	5
Board of visitors of the Government Hospital for the Insane (vol. 2)	11	1	5
Columbia Institution for the Deaf and Dumb (vol. 2)	11	1	5
Commissioner of the General Land Office (vol. 1)	10	1	5
Commissioner of Indian Affairs (vol. 2)	11	1	5
Commissioner of Pensions (vol. 1)	10	1	5
Commissioner of Railroads (vol. 1)	10	1	5
Commission to provide fire-escapes for public buildings (vol. 2)	11	1	5
Dakota, governor of (vol. 2)	11	1	5
Director of Geological Survey (vol. 3)	12	1	5
Freedmen's Hospital and Asylum (vol. 2)	11	1	5
Montana, governor of (vol. 2)	11	1	5
Superintendent of the Census (vol. 2)	11	1	5
Superintending engineer on the construction of the new Pension building (vol. 2)	11	1	5
Superintendent of Indian schools (vol. 2)	11	1	5
Superintendent of Yellowstone National Park (vol. 2)	11	1	5
Surveyors-general, annual reports of (vol. 1)	10	1	5
Union Pacific Railway, Government directors of the (vol. 2)	11	1	5
Utah Commission (vol. 2)	11	1	5
Wyoming, governor of (vol. 2)	11	1	5
Letters from, relative to—			
Atchison, Topeka and Santa Fé Railroad, report of Commissioner of General Land Office, in regard to certification of lands for	20	90	
Burlington and Missouri Railroad, concerning land-grant to	26	118	
Carson and Colorado Railroad Company, relative to right of way through Walker River Reservation to	13	15	
Census, relative to proposed census for 1885	27	175	
Chippewa Indians, relative to allotment of land in severalty to the	13	12	
report of commissioner appointed to ascertain damages accruing to the	20	76	
Contingent fund, statement of the expenditure of the funds of the several Bureaus of the Interior Department, for year ending June, 1883	20	59	

Subject.	Vol.	No.	Part.
Secretary of the Interior:			
Letters from, relative to—			
Dakota Central Railway, relative to right of way through Sioux Reservation to the	13	11	
Duck Valley, Nevada, relative to occupancy for use of the Shoshone Indians, and payment to settlers for improvements on lands in	13	13	
Fort Riley, Kansas, relative to bridge over Republican River at or near	18	21	
Freedmen's Hospital and Asylum, suspending certain items on account of disbursements for	26	108	
Hot Springs, Ark., papers touching the work of improving	20	89	
Indian Bureau, relative to deficiency in appropriation for	13	18	
Indian depredation claims, abstract showing character and amount of, since date of last report, December 6, 1882	18	23	
abstract showing the nature, character, and amount of all, reported since December 5, 1883, to February 20, 1884	25	102	
list of, allowed	27	132	
Indian service, statement of open market expenditures for, up to and including January 31, 1884	24	95	
Indian reservations, relative to timber depredations on	13	14	
Kickapoo Indians, relative to settlement of estates of deceased	13	16	
Mille Lac Indian Reservation, report on	27	148	
Northern Pacific Railroad, relative to definite location of various parts of the line of	26	114	
Patent Office, report on accommodations for	27	141	
Pension attorneys, relative to irregular practices of	28	172	
Public lands, list of suspended entries of lands under the pre-emption laws	20	57	
list of suspended entries of lands acted on by the Board of Equitable Adjudication	20	58	
report relative to unlawful fencing of	26	119	
relative to entries by foreign corporations	27	165	
Sioux Reservation, relative to right of way to Dakota Central Railroad through the	13	11	
Telegraph lines, report relative to lines belonging to subsidized railroads	26	107	
Timber depredations, relative to same on Indian reservations	13	14	
relative to an appropriation to supply deficiency for	26	115	
Trespass, relative to, on Indian lands	13	17	
Union Pacific Railroad Company, report of Goverment Directors of the	20	83	
Utah Commission, transmitting report of	27	153	
Walker River Reservation, relative to right of way to Carson and Colorado Railroad Company through the	13	15	
Whitman, Marcus, relative to massacre of	27	147	
Yellowstone Park, on leases in	27	139	
Secretary of the Navy, annual report of (in 2 volumes), embracing reports from—			
The Secretary (vol. 1)	8	1	3
Admiral of the Navy (vol. 1)	8	1	3
Advisory board and its proceedings (vol 1)	8	1	3
Bureau of Construction and Repair (vol. 1)	8	1	3
Bureau of Medicine and Surgery (vol. 2)	8	1	3
Bureau of Equipment and Recruiting (vol. 1)	8	1	3
Bureau of Navigation (vol. 1)	8	1	3
Bureau of Ordnance (vol. 1)	8	1	3
Bureau of Provisions and Clothing (vol. 1)	8	1	3
Bureau of Steam Engineering (vol. 1)	8	1	3

Subject.	Vol.	No.	Part.
Secretary of the Navy, annual report of (in 2 volumes), embracing reports from—			
Bureau of Yards and Docks (vol. 1)	8	1	3
Estimates of the Secretary's office and pay of the Navy (vol. 1)	8	1	3
Marine Corps (vol. 1)	8	1	3
Naval Academy (vol. 1)	8	1	2
Letters from, relative to—			
Contingent fund, statement of the expenditures of, for 1883	20	74	
Contributions for political purposes, relative to the distribution of circulars in his Department asking for	20	49	
Greeley relief expedition, relative to	20	56	
Jeannette, on relief of surviors of	27	163	
Navy, relative to the employment of commissioned and warrant officers of the	26	125	
New York navy-yard, relative to dry-dock at	27	164	
Public printing, relative to an aprodriation to supply deficiency in	20	52	
Vessels, on disposition of unseaworthy	27	170	
Secretary of State:			
Annual report upon Foreign Relations	1	1	1
Letter from, relative to—			
American College, Italy, on threatened confiscation of	27	143	
American and Spanish Commission, estimate for paying umpires of	27	149	
China, on rent of consular premises in	27	171	
Chronological history, relative to purchase of work prepared by J. H. Haswell	26	124	
Colombia, report relative to imprisonment of American citizens by authorities of	27	130	
Contingent funds, statement of disbursements for year ending June 30, 1883, of the State Department	18	25	
Contributions for political purposes, relative to the distribution of circulars asking for	20	47	
Consular service, report relative to the reorganization of the	26	121	
Consular and diplomatic appropriation bill, report relative to	27	146	
Consular fees, tariff of	20	78	
Employés, list of, in Department of State	20	77	
French and American Claims Commission, report relative to	27	173	
French Claims Commission, report on awards of	27	136	
Foot-and-mouth disease, measures taken by Great Britain for prevention of	26	116	
Foreign intercourse, relative to certain desired changes in the estimates of his Department relating to	13	10	
Foreign works of art, report on tariff discrimination against	26	111	
Great Britain, report on extradition treaty of 1882 with	27	156	
Hale, W. J., papers relative to claim of	27	168	
International time standard, appropriation for convention to establish	27	138	
Lasker, Edward, documents relative to death of	26	113	
Mexican boundary, report on relocating monuments on	27	158	
Mexican claims, papers and reports relative to payment of	25	103	
Mexico and Guatemala, on boundary between	27	154	
O'Donnell, Patrick, relative to trial and execution of	18	33	
Oxenham, E. L., report relative to presenting testimonials to	27	155	
Siamese embassy, report relative to visit of	27	137	
Spain, report relative to payments made under treaty by	27	129	
Swine products, relative to the restrictions upon importation into Germany and France of American	20	70	
report of the commission relative to the importation of American	26	106	

Subject.	Vol.	No.	Part.
Secretary of State—			
Letter from, relative to—			
Umatilla (steamer), on rewarding the rescuers of the crew of	27	162	
Undervaluation, documents relative to irregular practices in importation of foreign merchandise and	26	178	
Venezuela, relative to moneys received under treaty of 1866 from	27	174	
Wagner, Reinhardt, papers relating to reported arrest of	20	88	
	26	109	
Wakefield, Va., relative to wharf and road at	27	160	
Wheelock, John E., papers in relation to arrest and imprisonment of	20	87	
	27	161	
Secretary of the Treasury:			
Annual report on the finances, embracing reports of—			
The Secretary, with tables	14	2	
Annual report on the state of the finances for the year 1883	14	2	
Commissioner of Internal Revenue	15	4	
Comptroller of the Currency	15	3	
Letters from, relative to—			
Appropriations, estimates required for the year ending June 30, 1885	16	5	
estimates for deficiencies in	16	82	
Attorneys, statement showing gross earnings of United States, and expenses of their offices	20	92	
Cattle disease, transmitting report on	27	159	
Capitol, transmitting estimates for proposed terrace and approaches for United States	13	9	
Claims, list of, arising under act of July 4, 1864	20	65	
schedule showing list allowed under exhausted appropriations	20	67	
schedule allowed under act of August 7, 1882, for supplies, &c., furnished on account of Indian service	20	72	
report of claims allowed under exhausted appropriations	27	144	
supplemental list of certified	27	157	
Coast and Geodetic Survey, statement showing expenditures made on account of the	20	63	
Coast officers' fees, statement of	27	135	
Customs districts, statement showing number of	24	94	
Customs duties, relative to refunded, for the year ending June 30, 1883	18	20	
Customs officers, statement of fees received during year ending June 30, 1883, by	20	68	
Deficiency appropriation asking for, a, for printing Treasury notes	20	46	
Foreign intercourse, transmitting communication from the Secretary of State relative to changes in his estimates relating to	13	10	
Gold and silver certificates, in relation to the issue of	20	55	
Hudson River, letter of Light-House Board asking increase of appropriation for lights on	20	91	
Indian service, estimate of appropriation to pay claims against	27	145	
Internal Revenue Office, relative to payment of certain persons employed in the	20	41	
Marshals, list of same appointed in West Virginia in 1882 and 1883	20	75	
list of same appointed in West Virginia in 1882 and 1883	26	112	
Mexico, letter to trade between United States and	20	86	
National Board of Health, statement of expenditures of the, for the quarters ending March and June, 1883	18	34	
annual report of the	21	43	

Subject.	Vol.	No.	Part.
Secretary of the Treasury:			
Letters from, relative to—			
New York City, appraisement of certain buildings in	20	42	
New York custom-house, on appointment of discharged soldiers and sailors in	27	142	
Quarantine stations, in regard to establishing stations for neat cattle	20	97	
Receipts and expenditures, annual report for 1878	24	93	
annual report for 1879	24	98	
Shipping commissioners of New York, list of sums paid into Treasury by, under act of June, 1872	20	85	
South Carolina, submitting for the action of Congress the claim of State of	20	40	
Teas, relative to the importation of adulterated and spurious	20	61	2
Treasury Cattle Commission, report of the	20	44	2
Treasury Department, report of the contingent expenses for year ending June 30, 1883, of the	20	38	
Treasury of the United States, report as to amount of money in the	26	110	
Whisky, inclosing report of Commissioner of Internal Revenue relating to suspension of taxes for	20	62	
Wool, relative to undervaluation of	25	101	
Coin, in regard to mutilated gold and silver	20	79	
Secretary of War, annual report of the, in 4 volumes, embracing reports of—			
The Secretary (vol. 1)	2	1	2
Adjutant-General (vol. 1)	2	1	2
Augur, Brig. Gen. C. C. (vol. 1)	2	1	2
Chief of Engineers (vol. 2, part 1)	3	1	2
Chief of Engineers (vol. 2, part 2)	4	1	2
Chief of Engineers (vol. 2, part 3)	5	1	2
Chief of Ordnance (vol. 3)	6	1	2
Commissary-General of Subsistence, annual report of (vol. 1)	2	1	2
Crook, Brig. Gen. George (vol. 1)	2	1	2
Education in Army, report by officer in charge of (vol. 1)	2	1	2
General of the Army (vol. 1)	2	1	2
Hancock, Maj. Gen. W. S. (vol. 1)	2	1	2
Howard, Brig. Gen. O. O. (vol. 1)	2	1	2
Hunt, Maj. Gen. H. I. (vol. 1)	2	1	2
Inspector-General (vol. 1)	2	1	2
Judge-Advocate General, annual report (vol. 1)	2	1	2
Livingston, Maj. L. L. (vol. 1)	2	1	2
Merrill, Col. W. (vol. 1)	2	1	2
Military Academy, report of Board of Visitors to (vol. 1)	2	1	1
Otis, Col. E. S. (vol. 1)	2	1	2
Paymaster-General, annual report of (vol. 1)	2	1	2
Pope, Maj. Gen. John (vol. 1)	2	1	2
Quartermaster-General, annual report of (vol. 1)	2	1	2
Records of the Rebellion, report of Col. R. N. Scott, in charge of publications of (vol. 1)	2	1	2
Ruger, Col. Thomas H. (vol. 1)	2	1	2
Schofield, Maj. Gen. J. M. (vol. 1)	2	1	2
Sheridan, Lieutenant-General (vol. 1)	2	1	2
Sherman, General W. T. (vol. 1)	2	1	2
Soldier's Home, Washington, D. C., annual report of commissioners of (vol. 1)	2	1	2
State, War, and Navy Department building, report of officer in charge (vol. 1)	2	1	2
Surgeon-General, annual report of	2	1	2
Terry, Brig. Gen. A. H. (vol. 1)	2	I	2
Transcontinental railways, report relative to (1883) (vol. 1)	2	1	2
Wheaton, Col. Frank (vol. 1)	2	1	2

Subject.	Vol.	No.	Part.
Secretary of War, annual report of the, in 4 volumes, embracing reports of—			
Yorktown monument, Virginia, annual report for 1883 (vol. 1)	2	1	2
	2	1	2
Letters from, relative to			
Aqueduct Bridge, District of Columbia, report on	29	169	
Army officers, information relative to	20	81	
Beattyville, Ky., lock and dam at	18	36	
Contingent expenses, statement of expenditures from appropriations for, of the War Department	18	28	
Contingent expenses, statement of expenditures from appropriations for, of the military establishment	20	39	
Court-martials, report, with list of officers tried by	26	104	
Foreign decorations, in regard to presents, &c., to officers of the Navy by foreign governments	20	66	
Fort Adams, Rhode Island, plans of new barracks at	18	30	
Fort Preble Reservation, relative to purchase of additional land for	18	22	
Fort Smith, Ark., relative to harbor at	27	151	
Fortifications, armament of	27	133	
Grand River, Michigan, report on improvement of	27	150	
Greeley relief expedition, relative to	20	56	
Kentucky River, relative to locks and dams on	26	117	
Lake Traverse Indian Reservation, relative to granting right of way to Chicago, Milwaukee and Saint Paul Railroad through	20	71	
Militia, abstract of force in the United States	20	80	
Mulvihill, Thomas, reconveyance of lands to	18	29	
Pine Bluff, Ark., report relative to harbor at	27	151	
Relative to printing and binding of additional copies of annual report of the chief of the	18	24	
Rivers and harbors, appropriations and expenditures for	16	64	
River and harbor improvements, report on necessity of making immediate appropriation for continuing work on important	24	96	
Saint Mary's Falls Canal, relative to the government and control of the	20	54	
Sand Beach, Lake Huron, Michigan, draft of bill providing for the care of the harbor of refuge at	20	53	
Schuylkill Arsenal, relative to the condition of the walls at	20	45	
Signal Office, report relative to (vol. 4)	7	1	2
relative to printing additional copies of annual report of the chief of the	18	24	
Soldiers' Home, Washington, D. C., relative to appropriation for	18	26	
South Pass, Mississippi River, report relative to navigation of	26	122	
Sheridan, Lieutenant-General, annual report of (vol 1)	2	1	2
Sherman, General W. T., annual report of (vol. 1)	2	1	2
Shipping commission of New York, list of sums paid into Treasury under act of 1882 by the	20	85	
Siamese embassy, message of President relative to approaching visit of the	27	137	
Signal Office, report of Secretary of War, relative to (vol. 4)	7	1	2
Silver certificates. (*See* Gold and Silver Certificates.)			
Sioux Indians. (*See* Indians.)			
Torpedo service, estimates of appropriation for	27	140	
Sioux Reservation. (*See* Indians.)			
Soldiers' Home, District of Columbia, annual report of commissioners of (vol. 1)	2	1	2
Soldiers' home, District of Columbia, letter from Secretary of War relative to appropriation for	18	26	
South Carolina, letter from Secretary of Treasury relative to the claim of State of	20	40	

Subject.	Vol.	No.	Part.
South Pass, Mississippi River, report of Secretary of War relative to navigation of the	26	122	
Spain, report of Secretary of State relative to payments made under treaty by	27	129	
Star route cases, report of Postmaster-General on investigation of	23	84	
reports of special agents on investigations in 1881			
State Department. (*See* Department of State.)			
Statistical abstract of United States, sixth number, 1883	18	32	
Superintendent of foreign mails, annual report of	9	1	4
Surgeon-General, annual report of (vol. 1)	2	1	2
Surveyors-general, annual reports of (vol. 1)	10	1	5
Swine products, message from the President in regard to the importation of hog products into Germany and France	20	70	
relative to the importation of the United States.	25	106	
T.			
Teas, letter from Secretary of Treasury in relation to the importation of adulterated and spurious	20	61	2
Telegraphs, report of Secretary of Interior on telegraph lines of subsidized railroads	26	107	
Terry, Brig. Gen., A. H., annual report of (vol. 1)	2	1	2
Third Assistant Postmaster-General, annual report of	9	1	4
Timber depredations, letter from Secretary of Interior relative to depredations in Indian reservations	13	14	
letter from Secretary of Interior asking an appropriation to supply deficiency for	26	115	
Topographer of the Post-Office Department, annual report of	9	1	4
Torpedo service, letter of Secretary of War transmitting estimates of appropriation for	27	140	
Transcontinental railways, statistical report relative to (vol. 1)	2	1	2
Treasury cattle commission:			
Report of	20	44	2
Report of	27	159	
Treasury Department, report of the Secretary on the contingent expenses for the year ending June, 1883 of the	20	38	
Treasury of United States, letter from Secretary of Treasury giving amount of money in the	26	110	
U.			
Umatilla (steamer), letter of Secretary of State on rewarding the rescuers of the crew of	27	162	
Undervaluation. (*See* Import Duties: Wool.)			
Union Pacific Railway Company, annual report of the Government directors of the (vol. 2)	11	1	5
Union Pacific Railway Company, report of the Government directors of the	20	83	
United States courts. (*See* Courts of United States.)			
Utah, annual report of the governor of (vol. 2)	11	1	5
Utah Commission, report of (vol. 2)	11	1	5
report of (vol. 2)	27	153	
V.			
Venezuelan claims, report of Secretary of State relative to	27	174	
W.			
Wagner, Reinhardt, message from the President relative to the reported arrest of	20	88	
message from the President relative to the reported arrest of	26	109	

Subject.	Vol.	No.	Part.
Wakefield, Va., letter of Secretary of State relative to wharf and road at	27	160	
Walker River Reservation, letter from Secretary of the Interior, relative to right of way to Carson and Colorado Railroad Company through the	13	15	
War Department, statement of expenditures from appropriations for contingent expenses of the	18	28	
War, Secretary of. (*See* Secretary of War.)			
West Virginia, report of Secretary of Treasury in regard to marshals employed in 1882 and 1883 in	20	75	
Wheaton, Col. Frank, annual report of (vol 1)	2	1	2
Wheelock, John E., message from the President in regard to the arrest and imprisonment of, by the Venezuelan authorities	20	87	
message from the President in regard to the arrest and imprisonment of, by the Venezuelan authorities	27	161	
Whisky. (*See* Distilled Spirits.)			
Whitman, Marcus, report of Secretary of Interior on massacre of	27	147	
Wool and woolen goods, letter of Secretary of Treasury relative to undervaluation of	25	101	
World's Industrial Exposition. (*See* Cotton Centennial Exposition.)			
Wyoming, annual report of the governor of (vol. 2)	11	1	5
Y.			
Yellowstone National Park, annual report of superintendent of the (vol. 2)	11	1	5
report of Secretary of Interior on leases in	27	139	
Yorktown monument, report of officer in charge of construction of (vol. 1)	2	1	2

48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { EX. DOC. 1, Part 1.

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 4, 1883.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF PERSONS AND SUBJECTS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

MESSAGE.

To the Congress of the United States:

At the threshold of your deliberations I congratulate you upon the favorable aspect of the domestic and foreign affairs of this Government.

Our relations with other countries continue to be upon a friendly footing.

With the Argentine Republic, Austria, Belgium, Brazil, Denmark, Hayti, Italy, Santo Domingo, and Sweden and Norway no incident has occurred which calls for special comment. The recent opening of new lines of telegraphic communication with Central America and Brazil permitted the interchange of messages of friendship with the governments of those countries.

During the year there have been perfected and proclaimed consular and commercial treaties with Serbia and a consular treaty with Roumania, thus extending our intercourse with the Danubian countries, while our Eastern relations have been put upon a wider basis by treaties with Corea and Madagascar. The new boundary-survey treaty with Mexico, a trades-mark convention and a supplementary treaty of extradition with Spain, and conventions extending the duration of the Franco-American Claims Commission have also been proclaimed.

Notice of the termination of the fisheries articles of the Treaty of Washington was duly given to the British Government, and the reciprocal privileges and exemptions of the treaty will accordingly cease on July 1, 1885. The fisheries industries, pursued by a numerous class of our citizens on the northern coasts, both of the Atlantic and Pacific Oceans, are worthy of the fostering care of Congress. Whenever brought into competition with the like industries of other countries, our fishermen, as well as our manufacturers of fishing appliances and preparers of fish products, have maintained a foremost place. I suggest that Congress create a commission to consider the general question of our rights in the fisheries and the means of opening to our citizens, under just and enduring conditions, the richly stocked fishing waters and sealing grounds of British North America.

Question has arisen touching the deportation to the United States from the British Islands, by governmental or municipal aid, of persons unable there to gain a living and equally a burden on the community here. Such of these persons as fall under the pauper class as defined by law have been sent back in accordance with the provisions of our statutes. Her Majesty's Government has insisted that precautions have been taken before shipment to prevent these objectionable visitors from coming hither without guarantee of support by their relatives in this country. The action of the British authorities in applying measures for relief has, however, in so many cases proved ineffectual, and especially so in certain recent instances of needy emigrants reaching our territory through Canada, that a revision of our legislation upon this subject may be deemed advisable. Correspondence relative to the Clayton-Bulwer Treaty has been continued and will be laid before Congress.

The legislation of France against the importation of prepared swine products from the United States has been repealed. That result is due no less to the friendly representations of this Government than to a growing conviction in France that the restriction was not demanded by any real danger to health.

Germany still prohibits the introduction of all swine products from America. I extended to the Imperial Government a friendly invitation to send experts to the United States to inquire whether the use of those products was dangerous to health. This invitation was declined. I have believed it of such importance however that the exact facts should be ascertained and promulgated that I have appointed a competent commission to make a thorough investigation of the subject. Its members have shown their public spirit by accepting their trust without pledge of compensation, but I trust that Congress will see in the national and international bearings of the matter a sufficient motive for providing at least for reimbursement of such expenses as they may necessarily incur.

The coronation of the Czar at Moscow afforded to this Government an occasion for testifying its continued friendship by sending a special envoy and a representative of the Navy to attend the ceremony.

While there have arisen during the year no grave questions affecting the status in the Russian Empire of American citizens of other faith than that held by the national church, this Government remains firm in its conviction that the rights of its citizens abroad should be in no wise affected by their religious belief.

It is understood that measures for the removal of the restrictions which now burden our trade with Cuba and Puerto Rico are under consideration by the Spanish Government.

The proximity of Cuba to the United States and the peculiar methods of administration which there prevail necessitate constant discussion

and appeal on our part from the proceedings of the insular authorities. I regret to say that the just protests of this Government have not as yet produced satisfactory results.

The commission appointed to decide certain claims of our citizens against the Spanish Government, after the recognition of a satisfactory rule as to the validity and force of naturalization in the United States, has finally adjourned. Some of its awards, though made more than two years ago, have not yet been paid. Their speedy payment is expected.

Claims to a large amount which were held by the late commission to be without its jurisdiction have been diplomatically presented to the Spanish Government. As the action of the colonial authorities, which has given rise to these claims, was admittedly illegal, full reparation for the injury sustained by our citizens should be no longer delayed.

The case of the Masonic has not yet reached a settlement. The Manila court has found that the proceedings of which this Government has complained were unauthorized, and it is hoped that the Government of Spain will not withhold the speedy reparation which its sense of justice should impel it to offer for the unusual severity and unjust action of its subordinate colonial officers in the case of this vessel.

The Helvetian Confederation has proposed the inauguration of a class of international treaties for the referment to arbitration of grave questions between nations. This Government has assented to the proposed negotiation of such a treaty with Switzerland.

Under the Treaty of Berlin, liberty of conscience and civil rights are assured to all strangers in Bulgaria. As the United States have no distinct conventional relations with that country and are not a party to the treaty, they should in my opinion maintain diplomatic representation at Sofia for the improvement of intercourse and the proper protection of the many American citizens who resort to that country as missionaries and teachers. I suggest that I be given authority to establish an agency and consulate-general at the Bulgarian capital.

The United States are now participating in a revision of the tariffs of the Ottoman Empire. They have assented to the application of a license tax to foreigners doing business in Turkey but have opposed the oppressive storage tax upon petroleum entering the ports of that country.

The Government of the Khedive has proposed that the authority of the mixed judicial tribunals in Egypt be extended so as to cover citizens of the United States accused of crime, who are now triable before consular courts. This Government is not indisposed to accept the change, but believes that its terms should be submitted for criticism to the commission appointed to revise the whole subject.

At no time in our national history has there been more manifest need of close and lasting relations with a neighboring state than now exists with respect to Mexico. The rapid influx of our capital and en-

terprise into that country shows, by what has already been accomplished, the vast reciprocal advantages which must attend the progress of its internal development. The treaty of commerce and navigation of 1848 has been terminated by the Mexican Government, and in the absence of conventional engagements the rights of our citizens in Mexico now depend upon the domestic statutes of that Republic. There have been instances of harsh enforcement of the laws against our vessels and citizens in Mexico, and of denial of the diplomatic resort for their protection. The initial step toward a better understanding has been taken in the negotiation by the commission authorized by Congress of a treaty which is still before the Senate awaiting its approval.

The provisions for the reciprocal crossing of the frontier by the troops in pursuit of hostile Indians have been prolonged for another year. The operations of the forces of both Governments against these savages have been successful, and several of their most dangerous bands have been captured or dispersed by the skill and valor of United States and Mexican soldiers fighting in a common cause.

The convention for the resurvey of the boundary from the Rio Grande to the Pacific, having been ratified and exchanged, the preliminary reconnaissance therein stipulated has been effected. It now rests with Congress to make provision for completing the survey and relocating the boundary monuments.

A convention was signed with Mexico on July 13, 1882, providing for the rehearing of the cases of Benjamin Weil and the Abra Silver Mining Company, in whose favor awards were made by the late American and Mexican Claims Commission. That convention still awaits the consent of the Senate. Meanwhile because of those charges of fraudulent awards which have made a new commission necessary, the Executive has directed the suspension of payments of the distributive quota received from Mexico.

Our geographical proximity to Central America and our political and commercial relations with the states of that country justify, in my judgment, such a material increase of our consular corps as will place at each capital a consul-general.

The contest between Bolivia, Chile, and Peru has passed from the stage of strategic hostilities to that of negotiation, in which the counsels of this Government have been exercised. The demands of Chile for absolute cession of territory have been maintained and accepted by the party of General Iglesias to the extent of concluding a treaty of peace with the Government of Chile in general conformity with the terms of the protocol signed in May last between the Chilean commander and General Iglesias. As a result of the conclusion of this treaty, General Iglesias has been formally recognized by Chile as President of Peru, and his government installed at Lima which has been evacuated by the Chileans. A call has been issued by General Iglesias for a representative assembly, to be elected on the 13th of January, and to

meet at Lima on the 1st of March next. Meanwhile the provisional government of General Iglesias has applied for recognition to the principal powers of America and Europe. When the will of the Peruvian people shall be manifested I shall not hesitate to recognize the government approved by them.

Diplomatic and naval representatives of this Government attended at Caracas the centennial celebration of the birth of the illustrious Bolivar. At the same time the inauguration of the statue of Washington in the Venezuelan capital testified to the veneration in which his memory is there held.

Congress at its last session authorized the Executive to propose to Venezuela a reopening of the awards of the Mixed Commission of Caracas. The departure from this country of the Venezuelan minister has delayed the opening of negotiations for reviving the commission. This Government holds that until the establishment of a treaty upon this subject the Venezuelan Government must continue to make the payments provided for in the convention of 1866.

There is ground for believing that the dispute growing out of the unpaid obligations due from Venezuela to France will be satisfactorily adjusted. The French cabinet has proposed a basis of settlement which meets my approval, but as it involves a recasting of the annual quotas of the foreign debt it has been deemed advisable to submit the proposal to the judgment of the cabinets of Berlin, Copenhagen, The Hague, London, and Madrid.

At the recent coronation of His Majesty King Kalakaua this Government was represented both diplomatically and by the formal visit of a vessel of war.

The question of terminating or modifying the existing reciprocity treaty with Hawaii is now before Congress. I am convinced that the charges of abuses and frauds under that treaty have been exaggerated, and I renew the suggestion of last year's message that the treaty be modified wherever its provisions have proved onerous to legitimate trade between the two countries. I am not disposed to favor the entire cessation of the treaty relations which have fostered good-will between the countries and contributed toward the equality of Hawaii in the family of nations.

In pursuance of the policy declared by this Government of extending our intercourse with the Eastern nations, legations have during the past year been established in Persia, Siam, and Corea. It is probable that permanent missions of those countries will ere long be maintained in the United States. A special embassy from Siam is now on its way hither.

Treaty relations with Corea were perfected by the exchange at Seôul, on the 19th of May last, of the ratifications of the lately concluded convention, and envoys from the King of Tah Chosun have visited this country and received a cordial welcome. Corea, as yet unacquainted

with the methods of Western civilization, now invites the attention of those interested in the advancement of our foreign trade, as it needs the implements and products which the United States are ready to supply. We seek no monopoly of its commerce and no advantages over other nations, but as the Chosunese, in reaching for a higher civilization, have confided in this Republic, we cannot regard with indifference any encroachment on their rights.

China, by the payment of a money indemnity, has settled certain of the long-pending claims of our citizens, and I have strong hopes that the remainder will soon be adjusted.

Questions have arisen touching the rights of American and other foreign manufacturers in China under the provisions of treaties which permit aliens to exercise their industries in that country. On this specific point our own treaty is silent, but under the operation of the most-favored-nation clause, we have like privileges with those of other powers. While it is the duty of the Government to see that our citizens have the full enjoyment of every benefit secured by treaty, I doubt the expediency of leading in a movement to constrain China to admit an interpretation which we have only an indirect treaty right to exact. The transference to China of American capital for the employment there of Chinese labor would in effect inaugurate a competition for the control of markets now supplied by our home industries.

There is good reason to believe that the law restricting the immigration of Chinese has been violated, intentionally or otherwise, by the officials of China upon whom is devolved the duty of certifying that the immigrants belong to the excepted classes.

Measures have been taken to ascertain the facts incident to this supposed infraction, and it is believed that the Government of China will co-operate with the United States in securing the faithful observance of the law.

The same considerations which prompted Congress at its last session to return to Japan the Simonoseki indemnity seems to me to require at its hands like action in respect to the Canton indemnity fund, now amounting to $300,000.

The question of the general revision of the foreign treaties of Japan has been considered in an international conference held at Tokio, but without definite result as yet. This Government is disposed to concede the requests of Japan to determine its own tariff duties, to provide such proper judicial tribunals as may commend themselves to the Western Powers for the trial of causes to which foreigners are parties, and to assimilate the terms and duration of its treaties to those of other civilized States.

Through our ministers at London and at Monrovia, this Government has endeavored to aid Liberia in its differences with Great Britain touching the northwestern boundary of that republic. There is a pros-

pect of adjustment of the dispute by the adoption of the Mannah River as the line. This arrangement is a compromise of the conflicting territorial claims, and takes from Liberia no country over which it has maintained effective jurisdiction.

The rich and populous valley of the Congo is being opened to commerce by a society called the International African Association, of which the King of the Belgians is the president and a citizen of the United States the chief executive officer. Large tracts of territory have been ceded to the association by native chiefs, roads have been opened, steamboats placed on the river, and the *nuclei* of states established at twenty-two stations under one flag which offers freedom to commerce and prohibits the slave trade. The objects of the society are philanthropic. It does not aim at permanent political control but seeks the neutrality of the valley. The United States cannot be indifferent to this work nor to the interests of their citizens involved in it. It may become advisable for us to co-operate with other commercial powers in promoting the rights of trade and residence in the Congo Valley free from the interference or political control of any one nation.

In view of the frequency of invitations from foreign Governments to participate in social and scientific congresses for the discussion of important matters of general concern, I repeat the suggestion of my last message, that provision be made for the exercise of discretionary power by the Executive in appointing delegates to such convocations. Able specialists are ready to serve the national interests in such capacity without personal profit or other compensation than the defrayment of expenses actually incurred, and this a comparatively small annual appropriation would suffice to meet.

I have alluded in my previous messages to the injurious and vexatious restrictions suffered by our trade in the Spanish West Indies. Brazil, whose natural outlet for its great national staple, coffee, is in and through the United States, imposes a heavy export duty upon that product. Our petroleum exports are hampered in Turkey and in other Eastern ports by restrictions as to storage and by onerous taxation. For these mischiefs adequate relief is not always afforded by reciprocity treaties like that with Hawaii or that lately negotiated with Mexico and now awaiting the action of the Senate. Is it not advisable to provide some measure of equitable retaliation in our relations with governments which discriminate against our own? If, for example, the Executive were empowered to apply to Spanish vessels and cargoes from Cuba and Puerto Rico the same rules of treatment and scale of penalties for technical faults which are applied to our vessels and cargoes in the Antilles, a resort to that course might not be barren of good results.

The report of the Secretary of the Treasury gives a full and interesting exhibit of the financial condition of the country.

It shows that the ordinary revenues from all sources for the fiscal year ended June 30, 1883, amounted to		$398,287,581 95
Whereof there was received—		
From customs	$214,706,496 93	
From internal revenue	144,720,368 98	
From sales of public lands	7,955,864 42	
From tax on circulation and deposits of national banks	9,111,008 85	
From profits on coinage, bullion deposits, and assays	4,460,205 17	
From other sources	17,333,637 60	
Total		398,287,581 95
For the same period the ordinary expenditures were:		
For civil expenses		$22,343,285 76
For foreign intercourse		2,419,275 24
For Indians		7,362,590 34
For pensions		66,012,573 64
For the military establishment, including river and harbor improvements and arsenals		48,911,382 93
For the naval establishment, including vessels, machinery, and improvements at navy-yards		15,283,437 17
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue		40,098,432 73
For expenditures on account of the District of Columbia		3,817,028 48
For interest on the public debt		59,160,131 25
Total		265,408,137 54
Leaving a surplus revenue of		132,879,444 41
Which, with an amount drawn from the cash balance in the Treasury of		1,299,312 55
Making		134,178,756 96
Was applied to the redemption—		
Of bonds for the sinking-fund		44,850,700 00
Of fractional currency for the sinking-fund		46,556 96
Of funded loan of 1881, continued at 3½ per cent		65,380,250 00
Of loan of July and August, 1861, continued at 3½ per cent		20,594,600 00
Of funded loan of 1907		1,418,850 00
Of funded loan of 1881		719,150 00
Of loan of February, 1861		18,000 00
Of loan of July and August, 1861		266,600 00
Of loan of March, 1863		116,850 00
Of loan of July, 1882		47,650 00
Of five-twenties of 1862		10,300 00
Of five-twenties of 1864		7,050 00
Of five-twenties of 1865		9,600 00
Of ten-forties of 1864		133,550 00
Of consols of 1865		40,800 00
Of consols of 1867		235,700 00
Of consols of 1868		154,650 00
Of Oregon-war debt		5,450 00
Of refunding certificates		109,150 00
Of old demand, compound-interest, and other notes		13,300 00
Total		134,178,756 96

The revenue for the present fiscal year, actual and estimated, is as follows:

Source.	For the quarter ended September 30, 1883.	For the remaining three quarters of the year.
	Actual.	Estimated.
From customs	$57,402,975 67	$137,597,024 33
From internal revenue	29,662,078 60	90,337,921 40
From sales of public lands	2,932,635 17	5,067,364 83
From tax on circulation and deposits of national banks	1,557,800 88	1,542,199 12
From repayment of interest and sinking-fund, Pacific railway companies	521,059 51	1,478,940 49
From customs fees, fines, penalties, &c	298,696 78	901,303 22
From fees—consular, letters-patent, and lands	863,209,80	2,436,790 20
From proceeds of sales of Government property	112,562 23	167,437 77
From profits on coinage, &c	950,229 46	3,149,770 54
From deposits for surveying public lands	172,461 31	327,538 69
From revenues of the District of Columbia	256,017 99	1,643,982 01
From miscellaneous sources	1,237,189 63	2,382,810 37
Total receipts	95,966,917 03	247,033,082 97

The actual and estimated expenses for the same period are:

Object.	For the quarter ended September 30, 1883.	For the remaining three quarters of the year.
	Actual.	Estimated.
For civil and miscellaneous expenses, including public buildings, light-houses, and collecting the revenue	$15,385,799 42	$51,114,200 58
For Indians	2,623,390 54	4,126,609 46
For pensions	16,285,261 98	53,714,738 02
For military establishment, including fortifications, river and harbor improvements, and arsenals	13,512,204 33	26,487,795 67
For naval establishment, including vessels and machinery, and improvements at navy-yards	4,199,299 69	12,300,700 31
For expenditures on account of the District of Columbia	1,138,836 41	2,611,163 59
For interest on the public debt	14,797,297 96	39,702,702 04
Total ordinary expenditures	67,942,090 33	190,057,909 67

Total receipts, actual and estimated	$343,000,000 00
Total expenditures, actual and estimated	258,000,000 00
	85,000,000 00
Estimated amount due the sinking-fund	45,816,741 07
Leaving a balance of	39,183,258 93

If the revenue for the fiscal year which will end on June 30, 1885, be estimated upon the basis of existing laws, the Secretary is of the opinion that for that year the receipts will exceed by $60,000,000 the ordinary expenditures including the amount devoted to the sinking-fund.

Hitherto the surplus as rapidly as it has accumulated has been devoted to the reduction of the national debt.

As a result the only bonds now outstanding which are redeemable at the pleasure of the Government are the three per cents, amounting to about $305,000,000.

The four and one-half per cents, amounting to $250,000,000, and the $737,000,000 four per cents are not payable until 1891 and 1907, respectively.

If the surplus shall hereafter be as large as the Treasury estimates now indicate, the three per cent. bonds may all be redeemed at least four years before any of the four and one-half per cents can be called in. The latter at the same rate of accumulation of surplus can be paid at maturity and the moneys requisite for the redemption of the four per cents will be in the Treasury many years before those obligations become payable.

There are cogent reasons however why the national indebtedness should not be thus rapidly extinguished. Chief among them is the fact that only by excessive taxation is such rapidity attainable.

In a communication to the Congress at its last session I recommended that all excise taxes be abolished except those relating to distilled spirits and that substantial reductions be also made in the revenues from customs. A statute has since been enacted by which the annual tax and tariff receipts of the Government have been cut down to the extent of at least fifty or sixty millions of dollars.

While I have no doubt that still further reductions may be wisely made I do not advise the adoption at this session of any measures for large diminution of the national revenues. The results of the legislation of the last session of the Congress have not as yet become sufficiently apparent to justify any radical revision or sweeping modifications of existing law.

In the interval which must elapse before the effects of the act of March 3, 1883 can be definitely ascertained a portion at least of the surplus revenues may be wisely applied to the long-neglected duty of rehabilitating our Navy and providing coast defenses for the protection of our harbors. This is a matter to which I shall again advert.

Immediately associated with the financial subject just discussed is the important question what legislation is needed regarding the national currency.

The aggregate amount of bonds now on deposit in the Treasury to support the national-bank circulation is about $350,000,000. Nearly $200,000,000 of this amount consists of three per cents, which, as already stated, are payable at the pleasure of the Government and are likely to be called in within less than four years unless meantime the surplus revenues shall be diminished.

The probable effect of such an extensive retirement of the securities which are the basis of the national-bank circulation would be such a contraction of the volume of the currency as to produce grave commercial embarrassments.

How can this danger be obviated? The most effectual plan, and one whose adoption at the earliest practicable opportunity I shall heartily approve has already been indicated.

If the revenues of the next four years shall be kept substantially commensurate with the expenses, the volume of circulation will not be likely to suffer any material disturbance.

But if, on the other hand, there shall be great delay in reducing taxation, it will become necessary either to substitute some other form of currency in place of the national-bank notes or to make important changes in the laws by which their circulation is now controlled.

In my judgment the latter course is far preferable. I commend to your attention the very interesting and thoughtful suggestions upon this subject which appear in the Secretary's report.

The objections which he urges against the acceptance of any other securities than the obligations of the Government itself as a foundation for national-bank circulation seem to me insuperable.

For averting the threatened contraction two courses have been suggested, either of which is probably feasible. One is the issuance of new bonds, having many years to run, bearing a low rate of interest, and exchangeable upon specified terms for those now outstanding. The other course, which commends itself to my own judgment as the better, is the enactment of a law repealing the tax on circulation and permitting the banks to issue notes for an amount equal to 90 per cent. of the market value instead of as now the face value of their deposited bonds. I agree with the Secretary in the belief that the adoption of this plan would afford the necessary relief.

The trade-dollar was coined for the purpose of traffic in countries where silver passed at its value as ascertained by its weight and fineness. It never had a legal-tender quality. Large numbers of these coins entered, however, into the volume of our currency. By common consent their circulation in domestic trade has now ceased, and they have thus become a disturbing element. They should not be longer

permitted to embarrass our currency system. I recommend that provision be made for their reception by the Treasury and the mints, as bullion, at a small percentage above the current market price of silver of like fineness.

The Secretary of the Treasury advises a consolidation of certain of the customs districts of the country, and suggests that the President be vested with such power in relation thereto as is now given him in respect to collectors of internal revenue by section 3141 of the Revised Statutes. The statistics upon this subject which are contained in his report furnish of themselves a strong argument in defense of his views.

At the adjournment of Congress the number of internal-revenue collection districts was 126. By Executive order dated June 25, 1883, I directed that certain of these districts be consolidated. The result has been a reduction of one-third their number, which at present is but 83.

From the report of the Secretary of War it will be seen that in only a single instance has there been any disturbance of the quiet condition of our Indian tribes. A raid from Mexico into Arizona was made in March last by a small party of Indians, which was pursued by General Crook into the mountain regions from which it had come. It is confidently hoped that serious outbreaks will not again occur and that the Indian tribes which have for so many years disturbed the West will hereafter remain in peaceable submission.

I again call your attention to the present condition of our extended seacoast, upon which are so many large cities whose wealth and importance to the country would in time of war invite attack from modern armored ships against which our existing defensive works could give no adequate protection. Those works were built before the introduction of modern heavy rifled guns into maritime warfare, and if they are not put in an efficient condition we may easily be subjected to humiliation by a hostile power greatly inferior to ourselves. As germane to this subject, I call your attention to the importance of perfecting our submarine-torpedo defenses. The board authorized by the last Congress to report upon the method which should be adopted for the manufacture of heavy ordnance adapted to modern warfare has visited the principal iron and steel works in this country and in Europe. It is hoped that its report will soon be made, and that Congress will thereupon be disposed to provide suitable facilities and plant for the manufacture of such guns as are now imperatively needed.

On several occasions during the past year officers of the Army have at the request of the State authorities visited their militia encampments for inspection of the troops. From the reports of these officers I am induced to believe that the encouragement of the State militia organizations by the national Government would be followed by very gratifying results, and would afford it in sudden emergencies the aid of

a large body of volunteers educated in the performance of military duties.

The Secretary of the Navy reports that under the authority of the acts of August 5, 1882, and March 3, 1883, the work of strengthening our Navy by the construction of modern vessels has been auspiciously begun. Three cruisers are in process of construction—the Chicago, of 4,500 tons displacement, and the Boston and Atlanta, each of 2,500 tons. They are to be built of steel, with the tensile strength and ductility prescribed by law, and in the combination of speed, endurance, and armament are expected to compare favorably with the best unarmored war vessels of other nations. A fourth vessel, the Dolphin, is to be constructed of similar material and is intended to serve as a fleet dispatch boat.

The double-turreted monitors Puritan, Amphitrite, and Terror have been launched on the Delaware River and a contract has been made for the supply of their machinery. A similar monitor, the Monadnock, has been launched in California.

The Naval Advisory Board and the Secretary recommend the completion of the monitors, the construction of four gunboats, and also of three additional steel vessels like the Chicago, Boston, and Dolphin.

As an important measure of national defense the Secretary urges also the immediate creation of an interior coast-line of water-ways across the Peninsula of Florida, along the coast from Florida to Hampton Roads, between the Chesapeake Bay and the Delaware River, and through Cape Cod.

I feel bound to impress upon the attention of Congress the necessity of continued progress in the reconstruction of the Navy. The condition of the public treasury, as I have already intimated, makes the present an auspicious time for putting this branch of the service in a state of efficiency.

It is no part of our policy to create and maintain a Navy able to cope with that of the other great powers of the world.

We have no wish for foreign conquest, and the peace which we have long enjoyed is in no seeming danger of interruption.

But that our naval strength should be made adequate for the defense of our harbors, the protection of our commercial interests, and the maintenance of our national honor, is a proposition from which no patriotic citizen can withhold his assent.

The report of the Postmaster-General contains a gratifying exhibit of the condition and prospects of the interesting branch of the public service committed to his care.

It appears that on June 30, 1883, the whole number of post-offices was 47,863, of which 1,632 were established during the previous fiscal year. The number of offices operating under the system of free delivery was 154.

At these latter offices the postage on local matter amounted to $4,195,230.52, a sum exceeding by $1,021,894.01 the entire cost of the carrier service of the country.

The rate of postage on drop letters passing through these offices is now fixed by law at two cents per half ounce or fraction thereof. In offices where the carrier system has not been established the rate is only half as large.

It will be remembered that in 1863, when free delivery was first established by law, the uniform single-rate postage upon local letters was one cent; and so it remained until 1872, when in those cities where carrier service was established it was increased in order to defray the expense of such service.

It seems to me that the old rate may now with propriety be restored, and that, too, even at the risk of diminishing for a time, at least, the receipts from postage upon local letters.

I can see no reason why that particular class of mail matter should be held accountable for the entire cost of not only its own collection and delivery but the collection and delivery of all other classes; and I am confident, after full consideration of the subject, that the reduction of rate would be followed by such a growing accession of business as to occasion but slight and temporary loss to the revenues of the Post-Office. The Postmaster-General devotes much of his report to the consideration, in its various aspects, of the relations of the Government to the telegraph. Such reflection as I have been able to give to this subject since my last annual message has not led me to change the views which I there expressed in dissenting from the recommendation of the then Postmaster-General that the Government assume the same control over the telegraph which it has always exercised over the mail.

Admitting that its authority in the premises is as ample as has ever been claimed for it, it would not, in my judgment, be a wise use of that authority to purchase or assume the control of existing telegraph lines, or to construct others with a view of entering into general competition with private enterprise.

The objections which may be justly urged against either of those projects, and indeed against any system which would require an enormous increase in the civil-service list, do not, however, apply to some of the plans which have lately provoked public comment and discussion. It has been claimed, for example, that Congress might wisely authorize the Postmaster-General to contract with some private persons or corporation for the transmission of messages, or of a certain class of messages, at specified rates and under government supervision. Various such schemes, of the same general nature but widely differing in their special characteristics, have been suggested in the public prints, and the arguments by which they have been supported and opposed have doubtless attracted your attention.

It is likely that the whole subject will be considered by you at the present session.

In the nature of things it involves so many questions of detail that your deliberations would probably be aided slightly, if at all, by any particular suggestions which I might now submit.

I avow my belief, however, that the Government should be authorized by law to exercise some sort of supervision over interstate telegraphic communication, and I express the hope that for attaining that end some measure may be devised which will receive your approbation.

The Attorney-General criticises in his report the provisions of existing law fixing the fees of jurors and witnesses in the Federal courts. These provisions are chiefly contained in the act of February 26, 1853, though some of them were introduced into that act from statutes which had been passed many years previous. It is manifest that such compensation as might, when these laws were enacted, have been just and reasonable would in many instances be justly regarded at the present day as inadequate. I concur with the Attorney-General in the belief that the statutes should be revised by which these fees are regulated.

So, too, should the laws which regulate the compensation of district attorneys and marshals. They should be paid wholly by salaries, instead of in part by fees, as is now the case.

The change would prove to be a measure of economy, and would discourage the institution of needless and oppressive legal proceedings, which, it is to be feared, have in some instances been conducted for the mere sake of personal gain.

Much interesting and varied information is contained in the report of the Secretary of the Interior.

I particularly call your attention to his presentation of certain phases of the Indian question, to his recommendations for the repeal of the pre-emption and timber-culture acts, and for more stringent legislation to prevent frauds under the pension laws. The statutes which prescribe the definitions and punishments of crimes relating to pensions could doubtless be made more effective by certain amendments and additions which are pointed out in the Secretary's report.

I have previously referred to the alarming state of illiteracy in certain portions of the country, and again submit for the consideration of Congress whether some Federal aid should not be extended to public primary education wherever adequate provision therefor has not already been made.

The Utah Commission has submitted to the Secretary of the Interior its second annual report. As a result of its labors in supervising the recent election in that Territory, pursuant to the act of March 22, 1882, it appears that persons by that act disqualified, to the number of about 12,000, were excluded from the polls. This fact, however, affords little cause for congratulation, and I fear that it is far from indicating any real and substantial progress toward the extirpation of polygamy. All

the members-elect of the legislature are Mormons. There is grave reason to believe that they are in sympathy with the practices that this Government is seeking to suppress, and that its efforts in that regard will be more likely to encounter their opposition than to receive their encouragement and support. Even if this view should happily be erroneous, the law under which the Commissioners have been acting should be made more effective by the incorporation of some such stringent amendments as they recommend, and as were included in bill No. 2238 on the Calendar of the Senate at its last session.

I am convinced, however, that polygamy has become so strongly intrenched in the Territory of Utah that it is profitless to attack it with any but the stoutest weapons which constitutional legislation can fashion. I favor therefore the repeal of the act upon which the existing government depends, the assumption by the national legislature of the entire political control of the Territory, and the establishment of a commission with such powers and duties as shall be delegated to it by law.

The Department of Agriculture is accomplishing much in the direction of the agricultural development of the country, and the report of the Commissioner giving the results of his investigations and experiments will be found interesting and valuable.

At his instance a convention of those interested in the cattle industry of the country was lately held at Chicago. The prevalence of pleuropneumonia and other contagious diseases of animals was one of the chief topics of discussion. A committee of the convention will invite your co-operation in investigating the causes of these diseases and providing methods for their prevention and cure.

I trust that Congress will not fail at its present session to put Alaska under the protection of law. Its people have repeatedly remonstrated against our neglect to afford them the maintenance and protection expressly guaranteed by the terms of the treaty whereby that Territory was ceded to the United States. For sixteen years they have pleaded in vain for that which they should have received without the asking.

They have no law for the collection of debts, the support of education, the conveyance of property, the administration of estates or the enforcement of contracts; none indeed for the punishment of criminals except such as offend against certain customs, commerce and navigation acts.

The resources of Alaska, especially in fur, mines, and lumber, are considerable in extent and capable of large development, while its geographical situation is one of political and commercial importance.

The promptings of interest, therefore, as well as considerations of honor and good faith, demand the immediate establishment of civil government in that Territory.

Complaints have lately been numerous and urgent that certain corporations, controlling in whole or in part the facilities for the interstate carriage of persons and merchandise over the great railroads of the

country, have resorted in their dealings with the public to divers measures unjust and oppressive in their character.

In some instances the State governments have attacked and suppressed these evils, but in others they have been unable to afford adequate relief because of the jurisdictional limitations which are imposed upon them by the Federal Constitution.

The question how far the National Government may lawfully interfere in the premises, and what, if any, supervision or control it ought to exercise, is one which merits your careful consideration.

While we cannot fail to recognize the importance of the vast railway systems of the country and their great and beneficent influences upon the development of our material wealth, we should, on the other hand, remember that no individual and no corporation ought to be invested with absolute power over the interest of any other citizen or class of citizens. The right of these railway corporations to a fair and profitable return upon their investments, and to reasonable freedom in their regulations, must be recognized; but it seems only just that, so far as its constitutional authority will permit, Congress should protect the people at large in their interstate traffic against acts of injustice which the State governments are powerless to prevent.

In my last annual message I called attention to the necessity of protecting by suitable legislation the forests situated upon the public domain. In many portions of the West the pursuit of general agriculture is only made practicable by resort to irrigation, while successful irrigation would itself be impossible without the aid afforded by forests in contributing to the regularity and constancy of the supply of water.

During the past year severe suffering and great loss of property have been occasioned by profuse floods followed by periods of unusually low water in many of the great rivers of the country.

These irregularities were in great measure caused by the removal from about the sources of the streams in question of the timber by which the water supply had been nourished and protected.

The preservation of such portions of the forests on the national domain as essentially contribute to the equable flow of important watercourses is of the highest consequence.

Important tributaries of the Missouri, the Columbia, and the Saskatchewan rise in the mountain region of Montana, near the northern boundary of the United States, between the Blackfeet and Flathead Indian reservations. This region is unsuitable for settlement, but upon the rivers which flow from it depends the future agricultural development of a vast tract of country. The attention of Congress is called to the necessity of withdrawing from public sale this part of the public domain and establishing there a forest preserve.

The industrial exhibitions which have been held in the United States during the present year attracted attention in many foreign countries where the announcement of those enterprises had been made public

through the foreign agencies of this Government. The Industrial Exhibition at Boston and the Southern Exposition at Louisville were largely attended by the exhibitors of foreign countries, notwithstanding the absence of any professed national character in those undertakings.

The Centennial Exposition to be held next year at New Orleans, in commemoration of the centenary of the first shipment of cotton from a port of the United States bids fair to meet with like gratifying success. Under the act of Congress of the 10th of February, 1883, declaring that exposition to be national and international in its character, all foreign governments with which the United States maintain relations have been invited to participate.

The promoters of this important undertaking have already received assurances of the lively interest which it has excited abroad.

The report of the Commissioners of the District of Columbia is herewith transmitted. I ask for it your careful attention, especially for those portions which relate to assessments, arrears of taxes, and increase of water supply.

The Commissioners who were appointed under the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," entered promptly upon the discharge of their duties.

A series of rules, framed in accordance with the spirit of the statute, was approved and promulgated by the President.

In some particulars wherein they seemed defective those rules were subsequently amended. It will be perceived that they discountenance any political or religious tests for admission to those offices of the public service to which the statute relates.

The act is limited in its original application to the classified clerkships in the several Executive Departments at Washington (numbering about 5,600) and to similar positions in customs districts and post-offices where as many as fifty persons are employed.

A classification of these positions analogous to that existing in the Washington offices was duly made before the law went into effect.

Eleven customs districts and twenty-three post-offices were thus brought under the immediate operation of the statute.

The annual report of the Civil Service Commission which will soon be submitted to Congress will doubtless afford the means of a more definite judgment than I am now prepared to express as to the merits of the new system. I am persuaded that its effects have thus far proved beneficial. Its practical methods appear to be adequate for the ends proposed, and there has been no serious difficulty in carrying them into effect. Since the 16th of July last no person, so far as I am aware, has been appointed to the public service in the classified portions thereof at any of the Departments, or at any of the post-offices and customs districts above named, except those certified by the Commission to be the most competent on the basis of the examinations held in conformity to the rules.

At the time when the present Executive entered upon his office his death, removal, resignation, or inability to discharge his duties would have left the Government without a constitutional head.

It is possible of course that a similar contingency may again arise unless the wisdom of Congress shall provide against its recurrence.

The Senate at its last session, after full consideration, passed an act relating to this subject which will now, I trust, commend itself to the approval of both houses of Congress.

The clause of the Constitution upon which must depend any law regulating the Presidential succession presents also for solution other questions of paramount importance.

These questions relate to the proper interpretation of the phrase "inability to discharge the powers and duties of said office," our organic law providing that, when the President shall suffer from such inability, the Presidential office shall devolve upon the Vice-President, who must himself under like circumstances give place to such officer as Congress may by law appoint to act as President.

I need not here set forth the numerous and interesting inquiries which are suggested by these words of the Constitution. They were fully stated in my first communication to Congress and have since been the subject of frequent deliberations in that body.

It is greatly to be hoped that these momentous questions will find speedy solution, lest emergencies may arise when longer delay will be impossible, and any determination, albeit the wisest, may furnish cause for anxiety and alarm.

For the reasons fully stated in my last annual message I repeat my recommendation that Congress propose an amendment to that provision of the Constitution which prescribes the formalities for the enactment of laws, whereby, in respect to bills for the appropriation of public moneys, the Executive may be enabled, while giving his approval to particular items, to interpose his veto as to such others as do not commend themselves to his judgment.

The Fourteenth Amendment of the Constitution confers the rights of citizenship upon all persons born or naturalized in the United States and subject to the jurisdiction thereof. It was the special purpose of this amendment to insure to members of the colored race the full enjoyment of civil and political rights.

Certain statutory provisions intended to secure the enforcement of those rights have been recently declared unconstitutional by the Supreme Court.

Any legislation whereby Congress may lawfully supplement the guaranties which the Constitution affords for the equal enjoyment by all the citizens of the United States of every right, privilege, and immunity of citizenship will receive my unhesitating approval.

CHESTER A. ARTHUR.

WASHINGTON,
December 4, 1883.

FOREIGN RELATIONS.

LIST OF PAPERS, WITH THEIR SUBJECTS.

ARGENTINE REPUBLIC.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
1	Mr. T. O. Osborn to Mr. Frelinghuysen (No. 375).	April 19	Military service: Liability to, of an Argentine resident after naturalizing in the United States: full and complete explanation of the case of John T. Rowe and action of minister; further instructons, if advisable, asked from Department.	1
2	Same to same (No. 376)	May 4	Argentine Congress: Annual session, opening May 4, 1883; President's message; a fair and bright picture of national affairs, as the result of one year of quiet and peace.	2
3	Same to same (No. 377)	May 9	Military expedition into Patagonia; successful engagements of, with the Indians; unfortunate encounter with Chilian troops; favorable report of the country visited.	4
4	Mr. Frelinghuysen to Mr. T. O. Osborn (No. 182).	July 18	Military service: Liability to, of an Argentine resident after naturalizing in the United States; Department instruction No. 168, in Rowe's case, adhered to; United States cannot admit that Rowe, by return to his native land, resumed his Argentine allegiance; decision whether he became an alien when he naturalized in the United States cannot be submitted to an Argentine tribunal; United States hold the right of expatriation to be an inherent right.	4

AUSTRIA-HUNGARY.

		1882.		
5	Mr. Taft to Mr. Frelinghuysen (No. 24).	Nov. 20	American citizenship by naturalization: Renunciation of, by Austrians resuming residence, and doing duty in the Empire; frequency of such cases; refusal of United States consul to allow offspring of such born in Hungary to be registered as children of American citizens and to issue new passport to the father; ground of consul's action was that the father had renounced his American citizenship; approved by the United States minister.	5
6	Same to same (No. 26)	Nov. 28	American meat: Importation of, into Austria; proposed extension of prohibition of pork to all kinds of American meats, on the ground of disease in, and poison from curing and canning process of.	6
		1883.		
7	Mr. Davis to Mr. Taft (No. 21).	Jan. 18	American citizenship by naturalization: Renunciation of, by Austrians resuming residence and doing duty in the Empire; action of the legation reported in No. 24 approved; absence of intent of the father to return to the United States and silence as to status for fifteen years warrant refusal of renewal of passport; the question of the father's or his children's nationality will become proper for consideration when the father shall have resumed his American residence and duties of American citizenship.	8
8	Same to same (No. 22).....	Jan. 19	American beef in Austria: Proposed extension of prohibitory measures to, because of its supposed infection of trichinæ; unjustness of, as the existence of trichinæ in beef is an impossibility.	9

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
9	Baron Schaeffer to Mr. Frelinghuysen.	Nov. 8	Jurisdiction of foreign consuls in American ports: Arrest of Captain Randich, of Hungarian vessel, in Philadelphia, on charge of assault on a cabin-boy, and resistance of arrest; memorandum relative to, inclosed; views of the Department requested as to applicability to this case of Article X of treaty of July 11, 1870.	9
10	Mr. Frelinghuysen to Baron Schaeffer.	Nov. 10	Jurisdiction of foreign consuls in American ports: In Randich case, if assault was committed in port, it would be cognizable by the local courts; if upon the high seas, either by municipal or maritime courts; resistance of arrest in port was a cognizable breach of the peace; Department disposed to extend the provisions of Article X, as to presence of consul, to all judicial matters to which a member of the ship's company may be party.	10
11	Baron Schaeffer to Mr. Frelinghuysen.	Nov. 13	Jurisdiction of foreign consuls in American ports: Appreciates favorable action of United States in Randich case; proposes amendment of Article X of treaty of July 11, 1870, so as to enable consular officers of either country to be present at all judicial proceedings in the courts of the other wherein any of the company of the ship of their nation may be involved.	11
		1883.		
12	Mr. Frelinghuysen to Baron Schaeffer.	Jan. 3	Jurisdiction of foreign consuls in the ports of the nation recognizing them: Amendment of Article X of treaty of July 11, 1870; draft of, inclosed, in sense of enabling them to be present at all judicial proceedings in the courts of the other wherein any of the company of the ship of their nation may be involved.	11
13	Baron Schaeffer to Mr. Frelinghuysen.	Feb. 19	Foreign consular jurisdiction of the internal order of the merchant vessels of their nation: Protest against prosecution of captain of Mimi P. as in violation of the treaty of July 11, 1870; that no jurisdiction should have been taken by the local court without first notifying the consul of; such course has become the adopted practice of modern times; draft of amendment of Article X will be submitted to Austrian Government.	12
14	Same to same	May 19	Foreign consular jurisdiction of internal order of merchant vessels of their nation: Arrest of captain of Austrian vessel Ararat, at Philadelphia, on charge of assault arising out of act of discipline of one of the crew; such action of the court is in violation of the consular convention of July 11, 1870; request that the local authorities be instructed accordingly.	14
15	Mr. Davis to Baron Schaeffer.	May 19	Foreign consular jurisdiction of the internal order of the merchant vessels of their nation: As the case of the Ararat appears to be one of the maintenance of usual discipline on shipboard, to be settled by the consul, the Attorney-General has been directed to appear and ask that the case be dismissed for want of jurisdiction.	15
16	Count Weissenfeld to Mr. Davis.	June 7	Foreign consular jurisdiction of the internal order of the merchant vessels of their nation: Though Department admits that occurrence on the Ararat was one for the exclusive cognizance of the consul under Article XI, still the action of the local court in refusing instructions by Attorney-General on question of jurisdiction under said treaty compels the Austrian Government to protest at such ruling, and although the captain was acquitted, requests that steps be taken to obtain a decision of this Supreme Court of the United States on this question.	16
17	Mr. Davis to Count Weissenfeld.	June 27	Foreign consular jurisdiction of the internal order of the merchant vessels of their nation: The dilemma of the court in the Ararat case, in being unable to decide the question of jurisdiction under the treaty, except as a part of the defendant's case is duly appreciated as seemingly contrary to the result contemplated in making the treaty; the case has been submitted to the Attorney-General for a construction of this treaty provision.	28

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
18	Baron Schaeffer to Mr. Frelinghuysen.	Nov. 9	Foreign consular jurisdiction of the internal order of the merchant vessels of their nation: Requests to be informed of Attorney-General's opinion on the Ararat case, and reply of the Department to Austria's questions on law in Mimi P. case.	29
19	Mr. Frelinghuysen to Baron Schaeffer.	Nov. 13	Foreign consular jurisdiction of internal order of merchant vessels of their nation: Cases of the Mimi P. and Ararat; opinion of the Attorney-General relative to, inclosed; judges of State courts bound to give effect to all treaties; to compel performance of this duty resort must be had to a writ of error from the Supreme Court; in such case as the Ararat, the question of jurisdiction should be raised by plea and not under the general issue; suggests the adoption of the rule that local courts should decline to take jurisdiction of cases involving acts of mere interior discipline.	30
20	Baron Schaeffer to Mr. Frelinghuysen.	Nov. 21	Foreign consular jurisdiction of the internal order of the merchant ships of their nation: Thanks for views of the United States on the questions involved in the cases of the Mimi P. and the Ararat, of which the Austro-Hungarian Government will be advised.	31

CENTRAL AMERICA.

		1883.		
21	Mr. Hall to Mr. Frelinghuysen (No. 56).	Jan. 8	Proposed confederation of the Central American states: Favored by Presidents of Guatemala, Honduras, and Salvador, but not by Costa Rica and Nicaragua, and the people generally; ambition of Barrios to be president of the confederation; it one of his motives in tendering his resignation.	32
22	Same to same (No. 85).....	Mar. 27	Confederation of the Central American states: Project of, not likely to succeed; officials of the states in favor of; popular feeling in all but Guatemala opposed to; renunciation of aspirations for the presidency of the confederation by President Barrios; copies of publications for and against the confederation inclosed.	33
23	Same to same (No. 96).....	Apr. 14	Confederation of the Central American states: Projects for, never had any real support outside of Guatemala; in all other states popular sentiment opposed to it, especially against the ambition of Barrios for the presidency; no meeting of delegates will be held; Costa Rica declined to send delegates; the project a failure; published correspondence relative to, inclosed.	54
24	Same to same (No. 101).....	May 4	Nicaragua interoceanic canal: Interests of Salvador in the construction of; the hope that the work may be completed and controlled by the United States; friendly manifestation of other states desired; little confidence in the success of the Panama project.	57
25	Same to same (No. 110).....	May 19	Nicaragua interoceanic canal: Importance of, to Salvador, it having no outlet to the Atlantic, this want would be supplied by the canal; other states will be benefited, but express no interest; they look forward to the completion of the work as an American enterprise of the United States; steps taken to obtain manifestation of all the states in favor of; copy of circular relative to, inclosed.	57
26	Same to same (No. 126).....	July 6	Nicaragua interoceanic canal: Action of Salvador to induce concerted action of Central American states in favor of; Honduras accepts, Costa Rica and Nicaragua decline because of boundary dispute; lack of encouragement by the United States has a disheartening effect on the enterprise; correspondence relative to, inclosed.	58
27	Same to same (No. 139).....	July 11	Nicaragua interoceanic canal: Boundary dispute between Costa Rica and Nicaragua an obstacle to the construction of the canal; reports on, inclosed.	61

CENTRAL AMERICA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
28	Same to same (No. 146).....	July 26	Nicaragua interoceanic canal: Favorable action of Guatemala on Salvador's circular recommending that Central American states request the United States to aid in the construction of the canal; Guatemalan minister at Washington instructed to that end; correspondence inclosed.	62
29	Same to same (No. 155)	Aug. 8	Interoceanic railway in Costa Rica: Foreign debt incurred on account of contract between the Government and Minor C. Keith, an American, for the arrangement of, and completion of the railway: copy of the contract inclosed.	68
30	Same to same (No. 156)	Aug. 10	Interoceanic railway in Guatemala: Proposed construction of, from Santo Tomas to Guatemala City: Funds for, to be raised by levy of a personal tax on citizens; decree of the Government providing for, and inviting co-operation of the people; copy of, inclosed.	70
31	Mr. Titus to Mr. Frelinghuysen (No. 19).	Oct. 25	Guatemala, extra session of the legislative assembly of: Rejection by, of the proposition of the British bondholders for the arrangement of the foreign debt; adopt a law authorizing the president and cabinet to expel all foreigners deemed pernicious; copy of decree inclosed.	72

CHILI.

		1882.		
32	Mr. Frelinghuysen to Mr. Logan (No. 12).	June 26	Bolivia, Chili and Peru war: History of, and of the efforts of the United States to aid in effecting a peace: Mr. Logan to devote his efforts, if opportune, to same end, co-operating with minister to Peru; United States recognize the right of Chili to indemnity for loss and guarantee for future peace and safety; and that Peru and Chili are independent Republics, to whom it has no right or wish to dictate.	74
33	Mr. Logan to Mr. Frelinghuysen (No. 15).	Oct. 26	Bolivia, Chili and Peru war: Peace question; failure of arrangement for; history of, with Señor Calderon, as contained in Mr. Logan's note to Chilian minister of foreign affairs; copy of note inclosed.	77
34	Same to same (No. 17)	Oct. 31	Guano: One million tons of, sold by order of Chilian Government October 18.	79
35	Same to same (No. 20)	Nov. 8	Claims against Chili growing out of the war: Conventions for mixed commission for settlement of, signed with France, Germany, Great Britain and Italy; suggests similar action for benefit of United States citizens.	80
36	Same to same (No. 22)	Nov. 10	Mails of United States legation to Bolivia: Interference with; copy of sentence passed upon the culprit inclosed; the term of his punishment had expired and he was discharged before his trial began; recommends that no further action be had in the case.	81
37	Same to same (No. 23).....	Nov. 13	Chilian Congress, special session of: Report of minister of foreign affairs; extract from, inclosed; newspaper extract of portion expressing appreciation of Mr. Logan's services in peace negotiations.	82
38	Same to same (No. 24).....	Nov. 15	Foreign relations of Chili: Report of minister of foreign affairs inclosed; subject of; circular relative to proposed American Congress; relations with Bolivia and the truce; relations with France as to mixed commission; relations with the United States.	85
39	Same to same (No. 35).....	Dec. 13	Bolivia, Chili and Peru war: Peace question; failure to accompany Señor Calderon to Arequipa, and report of existing state of negotiations to Vice-President Montero; copy of the communication inclosed.	85
40	Same to same (No. 38).....	Dec. 20	Guano and nitrates sold by Chili: Decree of the Montero government disavowing right of Chili to make sale of, because pledged to creditors of Peru; notice of intention to contest the sale and cut off creditors of Peru; copy of, inclosed.	88

CHILI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
41	Same to same (No. 54).....	Jan. 20	Bolivia, Chili and Peru war: Peace question; note to Vice-President Montero; object of, to inform him of the situation of affairs from Mr. Logan's standpoint, and to obtain statement to enable refutation of Chili's charge that Calderon had been disavowed by his own following; Montero's reply that he will accept any terms of peace that Calderon may agree to; that he is only charged with executive power in the absence of Provisional President Calderon; correspondence inclosed.	89
42	Mr. Frelinghuysen to Mr. Logan (telegram).	Jan. 5	Bolivia, Chili and Peru war: United States cannot instruct that Tarapaca, Tacna and Arica be given up for $10,000,000 by Peru; Mr. Logan and Mr. Partridge to work in unison to accomplish an end agreeable to Peru and Chili.	90
43	Mr. Logan to Mr. Frelinghuysen (No. 62).	Feb. 10	Spain and Chili: Treaty of peace between, signed; full independence of Chili recognized; relations between the two powers restored; salute of Chilian flag by Spanish war vessel; change of Spain's policy towards her former colonies to a desire for closer commercial friendship.	91
44	Same to same (No. 63).....	Feb. 12	Bolivia, Chili and Peru war: Peace negotiations; obstinacy of Señor Calderon is producing reaction against his government; the Iglesias movement is gaining strength; "Peace Club" of Lima; the manifesto on the situation and the action of the United States minister; copy of manifesto inclosed.	91
45	Mr. Frelinghuysen to Mr. Logan (No. 41).	Mar. 23	Bolivia, Chili and Peru war: Review of the history of, and attempt and failure of equitable adjustment between the parties; reasserts the indisposition of the United States to dictate terms of peace; suggests settlement on basis of cession to Chili of Tarapaca and submission to arbitration the question whether additional territory shall be ceded, and if so, how much and on what terms.	92
46	Mr. Logan to Mr. Frelinghuysen (No. 74).	Mar. 26	Claims against Chili growing out of the war: Copy of the Franco-Chilian treaty inclosed; such a treaty suggested for settlement of claims of United States citizens, with modifications as to right of commission to pass on the question of nationality of the claimant and time within which claims must be presented.	97
47	Mr. Frelinghuysen to Mr. Logan (telegram).	Apr. 2	Bolivia, Chili and Peru war: Peru to cede Tarapaca; government of Calderon to be recognized.	100
48	Mr. Logan to Mr. Frelinghuysen (No. 92).	May 9	Bolivia, Chili and Peru war: Agreement for peace signed by representatives of Chili and Peru; the terms of, are: cession of Tarapaca, military occupation of Tacna and Arica for ten years, at the end of that, a vote of the inhabitants is to determine to whom these districts shall belong; $10,000,000 to be paid therefor; Chili not responsible for debt except 50 per cent. of the proceeds of guano sales, according to the Chilian decree of February 9, 1882; Bolivia is to make separate truce with Chili; as soon as agreement is signed by Iglesias peace will follow.	100
49	Same to same (No. 93).....	May 9	Bolivia, Chili and Peru war: Impracticability of carrying out instruction No. 41; Calderon will not agree to the terms of Chili, and the latter will not treat with him further; the approaching treaty with Bolivia makes Chili master of the situation and the adoption of the Iglesias government by the Peruvians is a fixed fact; Chili will not accept any settlement based on the recognition of Calderon government and arbitration of certain questions by the United States; thanks of Chili for the interest manifested by the United States.	101
50	Same to same (telegram)....	May 10	Bolivia, Chili and Peru war: Separate treaty of peace favored by Bolivia; convention between Chili and Iglesias will be signed soon on basis of that proposed to Calderon by Mr. Logan; Chili will occupy Tacna and Arica for ten years, after which the people will decide by vote to which country they will unite themselves, paying the other country ten millions; Chili renounces Calderon.	102

CHILI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
51	Same to same (telegram)....	May 24	Bolivia, Chili and Peru war: Treaty between Chili and Iglesias signed; Chili will yield the north of Peru at once and keep an army in the center; Montero will remain in possession of the south only; peace will follow if the United States will recognize Iglesias.	103
52	Same to same (No. 103).....	June 7	Chilian Congress: Opening of, and message of President to; bold treatment of various issues dispelling antagonism manifest before the session; refutes the charge that Chili was not for peace; relations of church and state; civil marriage, registry, secularization of cemeteries; relations between Chili and Italy and with Spain; copy of the message inclosed.	103
53	Mr. Frelinghuysen to Mr. Logan (No. 48).	June 7	Claim of Edward C. Du Bois against Chili for seizure and destruction of property by Chilian troops: Facts stated and instructions to present for settlement.	107
54	Mr. Logan to Mr. Frelinghuysen (No. 104).	June 18	Bolivia, Chili and Peru war: Arequipa congress confirms the provisional presidency of Calderon, and ratifies the protocol made by Montero with Bolivia for the cession of Arica and Tacna; this is to anticipate the separate treaty between Chili and Bolivia now deferred a third time; protocol of treaty reported as between Chili and Iglesias was not jointly signed; Iglesias only signed an agreement for such when Chili shall recognize his government; Iglesias to take possession of the north of Peru at once.	112
55	Same to same (No. 108).....		Excessive taxation of Americans in Peru by Chilian authorities: Chili declines to accept intervention by Mr. Logan because he is not accredited to Peru; correspondence relative to, inclosed.	113
56	Same to same (No. 113).....	July 2	Bolivia, Chili and Peru war: Treaty of peace between Chili and Peru; protocol of, signed by Iglesias; effect of, in Bolivia is to dissolve alliance of, with Montero, and make a separate treaty with Chili; copy of the protocol inclosed.	116
57	Mr. Frelinghuysen to Mr. Logan (No. 60).	July 30	Bolivia, Chili and Peru: Peace negotiations with; Mr. Logan's efforts appreciated by the Department; inexpedient to empower one representative to the three independent Republics; Mr. Richard Gibbs appointed minister to Bolivia and Capt. S. L. Phelps minister to Peru, with whom Mr. Logan will co-operate.	118
58	Mr. Logan to Mr. Frelinghuysen (No. 120).	Aug. 8	Bolivia, Chili and Peru war: Defeat of Caceres, following closely upon signing of the protocol for peace, had crushing effect on the Montero party; increasing strength of the Iglesias movement; Calderon and Pierolista give adhesion to it.	118
59	Same to same (No. 122).....	Aug. 15	Joint action of European powers in South American affairs: France invites Germany, England and Italy to join in a demand on Chili for a reaffirming of good disposition toward those powers; Mr. Logan declines to join in.	119
60	Mr. Frelinghuysen to Mr. Logan (No. 65).	Aug. 31	Excessive taxation of Americans in Peru by Chilian authorities; Chili's declination of Mr. Logan's intervention cannot be assented to by the United States; his duty to apply to Chili for redress of all injuries to Americans by Chili wherever located; minister to Peru will take such action as circumstances require.	120
61	Same to same (No. 67).....	Sept. 14	Bolivia, Chili and Peru war: Treaty of peace between Chili and Peru; protocol of, signed by Iglesias; copy of instruction No. 8, to Mr. Phelps, on the subject, inclosed.	120
62	Same to same (No. 72)	Oct. 3	Bolivia, Chili and Peru war: Proposed joint action of France, England and Germany in settlement of; refusal of Mr. Logan to take part in, approved.	120
63	Mr. Logan to Mr. Frelinghuysen (No. 146).	Nov. 1	Peace question between Bolivia, Chili, and Peru: Iglesias treaty; Chili does not desire to increase her demand; United States have no ground of objection to the debt provisions of the treaty, and ought to be the first power to recognize the Iglesias government.	121

CORRESPONDENCE WITH THE LEGATION OF CHILI.

No.	From and to whom.	Date.	Subject.	Page.
		1783.		
64	Mr. Godoy to Mr. Frelinghuysen.	July 22	Bolivia, Chili and Peru war: Political condition of Peru; the principal impediments to the consolidation of the Iglesias Government removed through the complete dispersion of the troops under Chief Caceres.	122
65	Same to same	Oct. 29	Bolivia, Chili and Peru war: Surrender of Arequipa, and Iglesias proclaimed, and his Government exercising authority throughout Peru.	122

CHINA.

		1882.		
66	Mr. Young to Mr. Frelinghuysen (No. 34).	Oct. 10	Opium trade: Supression of, desired by China, and opposed by Great Britain; with the former it is a moral question, with the latter a fiscal; Great Britain unwilling to relinquish this large source of revenue to the Indian budget derived from opium trade; moral support of United States evidenced by treaty; interview with Li-Hung Chang.	123
67	Same to same (No. 43)	Oct. 18	Rights of foreigners to manufacture in China: Project by Mr. Wetmore, an American, to establish a cotton-yarn factory; denunciation of, by superintendent of northern trade as illegal and as an infringement of a monopoly for the manufacture of cotton cloth granted to a Chinese company; the completion of the enterprise forbidden; note to Prince Kung asserting Mr. Wetmore's right under the treaty to complete his factory; correspondence relative to, inclosed.	129
68	Same to same (No. 64)	Nov. 28	Submarine cables in China: Permission to Russell & Co. to lay cable from Shanghai to Hong-Kong refused by the Chinese Government because such concession would conflict with an exclusive right by the Great Northern Telegraph Company, and contravene the policy adopted by the great western powers in such matters; correspondence inclosed.	142
69	Same to same (No. 69)	Dec. 6	Rights of foreigners to manufacture in treaty ports of China: Interference with the formation of Mr. Wetmore's cotton-yarn factory; arrest of an agent of the company on pretext of complicity in the Tai-Ping rebellion; action of officials in this case and that of enjoining of establishment of a silk-reeling factory by Russell & Co. justified on the ground that the treaty does not confer right of manufacture on foreigners, and that such establishment would infringe on monopolies already granted to Chinese companies; joint note of the diplomatic body to Prince Kung insisting on treaty rights.	152
70	Same to same (No. 74)	Dec. 12	Naval school at Tien-Tsin: Proclamation of Li Hung Chang showing progress of Chinese in naval education, and methods employed in education of their cadets.	169
71	Same to same (No. 78)	Dec. 18	Corea and its relations with other nations: Conservative spirit of the people opposed to; liberal sentiments of the King in favor of; proclamation attributed to him, inclosed.	170
72	Same to same (No. 85)	Dec. 26	Corea and China: Commercial treaty between; copy, and analysis of, inclosed; superior advantages secured to China in the concession of extraterritoriality; provisions of, generally a divergence from the spirit of existing treaties with western powers; their objections to; with them the object is political, with the United States it is commercial, while the policy of Russia is to open overland trade and thereby limit seaboard trade; importance of prompt ratification of the Schufeldt treaty, as the action of the United States will be followed by England and Germany.	172

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
73	Same to same (No. 94)	Jan. 4	Right of foreigners to manufacture in China: The interdict by authorities of Shanghai of the manufacture of silk filatures by Russell & Co. no longer enforced; the paralyzing effect of this interference on investment of native capital in such enterprises practically abrogates the treaty, and prevents a revival or extension of manufactures at the foreign ports until some remedy is devised.	180
74	Mr. Frelinghuysen to Mr. Young (No. 77).	Jan. 19	Chinese immigration act of 1882: Chinese passengers, not immigrants, intending to be laborers in the United States, are not within the restrictions of said act.	180
75	Mr. Young to Mr. Frelinghuysen (No. 115).	Jan. 29	Opium trade: Difficulty of suppressing; importance of, to England, as a source of revenue to India; great extent of its consumption; extracts from Indian papers of arguments in favor of; the only mode of effecting the reform is by agitation of public opinion in England; prospect of an embassy from China to that end.	181
76	Same to same (No. 116).....	Jan. 30	Right of foreigners to manufacture in China: Reply of China to joint note of foreign powers; 1st, general objection to foreigners exercising, and the effect of the extraterritoriality provision of treaty would place such interests beyond the control of China; 2d, that the treaty does not confer right to ownership in results of manufacture, but only the right to labor in such industry; 3d, that in case of the cotton-yarn company there would be a contravention of the monopoly granted to Chinese company.	187
77	Same to same (No. 120).....	Feb. 4	Right of foreigners to manufacture in China: The question of, no longer treated by China as one of construction by the treaty, but as one of danger to the revenues of the Government and laboring interests, resulting in beggary and crime of laboring classes; Wetmore's case pressed on its merits for the personal injury to his business, apart from the general question of the construction of the treaty; correspondence with Prince Kung inclosed.	191
78	Same to same (No. 121).....	Feb. 5	China's progress towards Western civilization: Exemplification of, in the establishment and growth of the Chinese Engineering and Mining Company in province of Chihli, under the patronage of Viceroy Li; despite the opposition of Pekin officials the small railroad thus constructed is the nucleus of a great system of railroads; report on the railroad, canal, mining, manufacturing, telegraph and telephone enterprise conducted by said company, inclosed.	197
79	Same to same (No. 150).....	Mar. 14	Chinese immigration act of May 6, 1882: Transit of laborers through United States; action of Congress relative to; instructions of Department and opinion of Attorney-General will strengthen China's estimate of United States' sense of justice to China.	201
80	Same to same (No. 151).....	Mar. 15	Japan and China: Serious complications between; only wisdom and patience can save them from war; gunboats building at Shanghai and Foo-Chow.	202
81	Same to same (No. 154).....	Mar. 17	Emigration of China: Not practicable for China as a relief from its over-population, because of Chinese unfitness for colonization; reopening of Portuguese port of Macao to emigration.	203
82	Same to same (No. 207).....	May 31	Chinese immigration act of May 6, 1882: Construction of, as to issue of certificates of identification of Chinese laborers returning to United States; decision of the legation that Chinese consul in Japan is competent to issue such certificate.	204
83	Mr. Davis to Mr. Young (No. 148).	July 19	Chinese immigration act of May 6, 1882: Construction of, as to power of Chinese consul in Japan to issue certificates of identification; legation's views on the subject approved; in view of any question as to the validity, China should give its consuls express authority to issue such certificates.	205

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
84	Mr. Young to Mr. Frelinghuysen (No. 225).	Aug. 18	Right of foreigners to manufacture in China: Further discussion by foreign office and diplomatic body useless; China adheres to its position that the treaties do not create; that the unauthorized exercise of, does not establish a prescriptive right; that treaty has been always duly observed; that the exercise of, claimed, would injure the laboring class and reduce the revenue; diplomatic body reasserts its position denying the contention of the foreign office; correspondence inclosed.	206
85	Same to same (No. 244).....	Aug. 30	Disturbance in Canton: Cause of, the indiscretion of European residents, and result, loss of life and personal violence; forbearance of the Chinese authorities shown in the promptitude with which the Viceroy intervened to restore order and secure the interests and safety of the foreign settlement; correspondence inclosed.	209
86	Same to same (No. 251).....	Sept. 7	China's progress towards Western civilization: Illustration of, in the proposed establishment of a line of steamers to run from Shanghai to Tien-Tsin, to be owned and managed by Chinese; newspaper extract relative to, inclosed; purpose of the China Merchants' Steam Navigation Company to open commercial relations with European and American ports.	211

CORRESPONDENCE WITH THE LEGATION OF CHINA.

		1883.		
87	Mr. Frelinghuysen to Mr. Cheng Tsao Ju.	Jan. 6	Chinese immigration act of May 6, 1882: Construction of, adopted by the United States; that Chinese laborer coming to, merely to pass through the country, being neither an immigrant nor a laborer coming as such, is not within the prohibition of the law; identification to be attested by certificate or other proof of status of persons in transit to be regulated by Treasury Department.	212
88	Same to same	Feb. 2	Chinese immigration act of May 6, 1882: Construction of, as to transit of Chinese laborers through the United States; circular of the Treasury Department, setting out the conditions under which such transit may be accomplished, inclosed.	213
89	Mr. Cheng Tsao Ju to Mr. Frelinghuysen.	Feb. 5	Chinese immigration act of May 6, 1882: Construction of, as to transit; assents generally to provisions and rules for transit of Chinese laborers through the United States embodied in Treasury circular, except that Rule 3 will be liable to misconstruction by people in foreign countries who desire to contract for Chinese laborers in large bodies; cites regulations in force in China respecting Chinese emigration.	214
90	Mr. Frelinguysen to Mr. Cheng Tsao Ju.	Feb. 23	Chinese immigration act of May 6, 1882: Construction of Rule 3 of the Treasury circular relative to the transit of Chinese laborers through the United States; Treasury Department is of the opinion that no inquiry could be made into the character of persons affected by the circular, except that they are laborers in transit over the territory of the United States and in charge of an agent.	215
91	Mr. Cheng Tsao Ju to Mr. Frelinghuysen.	Oct. 2	Right of foreigners to manufacture in the treaty ports of China: Contention of the diplomatic body that such right is secured by the treaty: views on, of the Tsungli Yamen and memorandum relative to, submitted; that the treaties do not confer the right to manufacture, but only to employ labor; the exercise of such right would reduce the revenues of the Government, and deprive laboring classes of employment; that no claim of such right was made until 1881, and propositions for temporary trial are evidence that such contention is not provided for in the treaty; views of the United States requested.	215

COLOMBIA.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
92	Mr. Scruggs to Mr. Frelinghuysen (No. 22).	Sept. 7	Panama Canal Company: Purchase by, of all the stock of the Panama Railway Company; upon this, an act recommended that a reclamation be instituted by Colombia against the Panama Canal Company for damages to the railway company by the canal; subject not likely to be acted on promptly by the Senate.	217
93	Same to same (No. 24)	Sept. 15	Panama Interoceanic Canal: History of, and importance of to Colombia and the United States; duty of the United States to guarantee the neutrality of; the inconsistency of the claims of France and Great Britain to join such guaranty.	220
94	Same to same (No. 28).....	Sept. 23	Financial: Colombian Congress authorizes the President to contract with the De Lesseps Canal Company for one million one-dollar silver coins; company to receive 4 per cent. on gross amount introduced.	222
95	Same to same (No. 33)	Oct. 2	Custody of ships' papers in Colombian ports: History of the question and the modifications in the law of; resulted in the law of 1879, conceding the rights of foreign consuls to; operation of law defeated local requirement of Panama, that ship masters must obtain certificates from various state officials of a clearance for sailing; correspondence with minister of foreign affairs relative to, and conceding the supremacy of the federal or the local edict, inclosed.	223
96	Mr. Frelinghuysen to Mr. Scruggs (No. 31).	Nov. 10	Custody of foreign ships' papers in Colombian ports: Satisfaction of the Department that the discussion of the question is so near its close; trust that the minister's action will result in removing the discordance at Colon and Panama between federal and local requirements on this question.	226
97	Mr. Scruggs to Mr. Frelinghuysen (No. 54).	Dec. 20	Plain of Bogota: Topography and climatic peculiarities of; beauty and inexhaustible resources of; capacity to yield every variety of product of the three zones; religion and characteristics of the aborigines.	227
98	Same to same (No. 55)	Dec. 23	Death of President Zaldua: His rare attainments and fine abilities; reputation as a great political leader; appointment of a new cabinet.	230
		1883.		
99	Mr. Davis to Mr. Scruggs (No. 40).	Jan. 22	Custody of foreign ships' papers in Colombian ports: Copy of note from British minister in United States to be used in conference with British minister to Colombia on this question inclosed.	231
100	Mr. Frelinghuysen to Mr. Scruggs (No. 43).	Feb. 5	Death of President Zaldua: Condolences by the President and people of the United States to the Government and people of Colombia; note acknowledging a note from Señor Perez inclosed.	231
101	Mr. Scruggs to Mr. Frelinghuysen (No. 63).	Feb. 8	Political: By the constitution, the vacancy in the Presidency by the death of Zaldua is filled by the election of three vice-presidents; on failure of these the executive duty is assumed by the Procurador-General; Señor Otolara is now President.	232
102	Mr. Frelinghuysen to Mr. Scruggs (No. 51).	Mar. 6	Custody of foreign ships' papers in Colombian ports: Report that the law is applied without discrimination; the position of Colon and Panama as mere transit stations demands that there should be a simpler and less rigid enforcement of the custom rules for the entrance and clearance of steamers.	233
103	Mr. Scruggs to Mr. Frelinghuysen (No. 80).	Apr. 9	Panama Interoceanic Canal: Report of foreign office relative to purchase by it of stock of Panama Railway and rights of Colombia growing out of; necessity of guaranty of neutrality of the canal; right and duty of Colombia to seek such guaranty where she pleases.	234
104	Same to same (No. 82).....	Apr. 18	Arbitration treaty between Colombia and Salvador for settlement of all disputes that may arise that cannot be adjusted diplomatically; the President of the United States to be the arbitrator if none named in the convention.	236

COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
105	Mr. Scruggs to Mr. Frelinghuysen (No. 87).	May 30	Custody of foreign ships' papers in Colombian ports: Colombian executive will try to induce Congress to so reform the law as to require but one transaction before the consul and the administrator of the port in order to the clearance of American steamers; correspondence with the foreign office inclosed.	237
106	Same to same (No. 91).....	June 19	Panama Interoceanic Canal Company: Construction of article 8 of Salgar-Wyse contract; discussion as to its contemplating the obligation of the canal company paying the expense of protecting the canal while the construction is incomplete.	239
107	Mr. Davis to Mr. Scruggs (No. 72).	June 30	Custody of foreign ships' papers in Colombian ports: Satisfaction of the Department at the disposition of Colombia to secure legislative action relieving vessels from the hardships now imposed on them by Colombian law.	240
108	Mr. Scruggs to Mr. Frelinghuysen (No. 103).	Aug. 6	Panama Canal Company: Loan by, to Colombia of a half million dollars without security or guaranty.	240

COREA.

		1883.		
109	Mr. Foote to Mr. Frelinghuysen (No. 6).	May 24	Treaty with the United States, ratification of, by Corea: Assent to modification of Article VI of; description of country and people, and United States minister's reception by Corea and her officials.	241
110	Same to same (No. 7).....	May 25	Presentation of minister to King of Corea: Remarks of King in reply to address of minister; manner and presence of the monarch described; his interest in the conclusion of the treaty.	243
111	Same to same (No. 10)	June 29	Location of legation in Corea: Selection of site of; description of the habitation; members of household. Extremes of heat and cold; markets, &c.	244
112	Same to same (No. 14).....	July 13	Corean embassy to the United States: Composed of officials of highest rank; object of, to learn of customs and postal service, public school and military and naval systems of the United States; to confer with the President on the relations existing between Corea and other Oriental powers.	244
113	Same to same (No. 24).....	Aug. 21	Corea: Its history, geography, climate, government, natural resources, and relations with China; report on, by Mr. Foote inclosed.	245
114	Mr. Frelinghuysen to Mr. Foote (No. 19).	Aug. 30	Embassy from Corea to visit the United States: Gratification of the President, and his assurance that every consideration will be given to secure the accomplishment of their mission and the cultivation of amicable relations with the Kingdom of Tah-Chosun.	246
115	The King of Tah-Chosun to President Arthur.	July 14	Treaty between Corea and the United States: Establishment of friendly relations; credentials of Corean embassy; presentation to the President, and addresses of embassy and the President.	248

DENMARK.

		1882.		
116	Mr. Ryder to Mr. Frelinghuysen (No. 7).	Dec. 23	Assisted emigration to the United States: The shipment of Jansen, a criminal, prevented by the prompt action of the United States chargé d'affaires, who declined to give an interpretation of the act of Congress of 1875.	25
		1883.		
117	Mr. Davis to Mr. Ryder (No. 7).	Jan. 23	Assisted emigration to the United States: Action of the legation in preventing the shipment of Jansen, and declining to construe the act of Congress relative to such cases, approved; in cases of assistance to emigration of convicts or dependent paupers, the fact should be brought to the attention of the Government to which the legation is accredited.	251

DENMARK—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
118	Mr. Ryder to Mr. Frelinghuysen (No. 15).	Apr. 28	Live swine from the United States: Proposal by Denmark to Germany to prohibit the importation of, if the latter will renew its late restriction on importation of, from Denmark; Denmark will do nothing tending to disturb its commercial relations with the United States.	252
119	Mr. Hoffman to Mr. Frelinghuysen (No. 12).	July 27	Allegiance to Denmark: Oath of, by foreign residents doing business in St. Thomas; question of the operation of this law between Great Britain and Denmark.	253

FRANCE.

		1882.		
120	Mr. Davis to Mr. Morton (No. 174).	Oct. 6	International conference for the protection of submarine cables: Minister to attend as representative of the United States; full powers will be sent; no convention to be signed in the mean time.	253
121	Mr. Morton to Mr. Frelinghuysen (No. 250).	Nov. 9	Submarine cables: International conference for the protection of; report on, of delegates of the United States, inclosed; also, a draft of a protocol for a convention, to be submitted for acceptance, rejection or modification.	254
122	Same to same (No. 266).....	Dec. 6	French colonial extensions: Cession to France in Congo of territory and hereditary rights by King Makoko; assumption by France of protection of the Kingdom; establishment of a French post; convention for, ratified by the French Chambers; genuineness of the agreement denied by Stanley; copy of translation of convention inclosed.	259
		1883.		
123	Same to same (No. 283).....	Jan. 12	Death of Leon Gambetta: Profound sensation of loss to France; his warm admiration of the United States, and appreciation of its principles and institutions; his unfulfilled desire to visit the United States.	261
124	Same to same (No. 289).....	Jan. 29	Destitute Americans in France: Application of French officials for aid to Mr. Kingston, in hospital of Rennes, who will not be kept as a charge by the French authorities.	262
125	Mr. Frelinghuysen to Mr. Morton (No. 230).	Feb. 26	Death of Leon Gambetta: Sentiments of Mr. Morton's 283 commended; Gambetta's eminent services to France and devotion to popular government command the respect and admiration of friendly nations, and make his premature death regretted as a national calamity.	263
126	Same to same (No. 247).....	Apr. 4	Foreign debt of Venezuela: Copy of instruction concerning, addressed to United States legations at London, The Hague, Copenhagen, Madrid and Berlin inclosed.	264
127	Mr. Morton to Mr. Frelinghuysen (No. 324).	Apr. 4	American pork: Decree prohibiting the importation of; chambers of commerce of Bordeaux, Havre, Paris and Marseilles favor the repeal of; appeal and arguments of Mr. Morton to minister of foreign affairs for revocation of the decree.	264
128	Mr. Frelinghuysen to Mr. Morton (No. 253).	Apr. 7	International conference for the protection of submarine cables: Draft of proposed convention received; Mr. Morton to sign the same on behalf of the United States.	265
129	Mr. Morton to Mr. Frelinghuysen (No. 333).	Apr. 13	American pork: Decree prohibiting the importation of, still unrepealed; department of commerce to guard against effects of trichinæ in; contemplate the organization of a system of subjecting all American salted meats to a freezing process upon their entry into France.	265
130	Mr. Frelinghuysen to Mr. Morton (No. 267).	Apr. 26	American pork: Prohibition of importation of; copy of petition to minister of commerce by French importers, relative to, received; regarded as indicating tendency of sound opinion in France.	267
131	Mr. Davis to Mr. Morton (telegram).	May 25	Death of Senator Laboulaye: Minister to convey to family of, condolence and sympathy of the United States.	268

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
132	Mr. Morton to Mr. Frelinghuysen (No. 350).	May 31	Death of Senator Laboulaye: Among his deserved titles was his right to the gratitude of the American people as the devoted friend of America; large and distinguished attendance at his funeral.	268
133	Mr. Frelinghuysen to Mr. Morton (No. 294).	June 22	American pork importation: Prohibitive decree against; invitation to Germany to send commission to examine hog raising and packing in United States; copy of instruction to Berlin relative to, inclosed; would be agreeable to United States if France would send a representative with such commission.	270
134	Mr. Brulatour to Mr. Frelinghuysen (No. 370).	July 12	Naturalization in United States: Effect of, on status of children of; refusal of the legation to issue passports to minor sons of George Schmidt, because they have never been residents of the United States.	270
135	Same to same (No. 371).....	July 17	American pork: Commission to investigate the operations of hog raising and packing in the United States; France has been informed of the President's intention to appoint such a commission.	272
136	Mr. Frelinghuysen to Mr. Brulatour (No. 317).	July 21	Primary schools in Gaboon, West Africa: Compulsory use of French language in; decree of France for that purpose; effect will embarrass the work of the Presbyterian Church foreign mission in that country; French foreign office to be conferred with for a modification of the decree.	272
137	Same to same (No. 321).....	July 30	Naturalization in the United States: Effect of, on minor sons who have never resided in the United States; they are not citizens thereby; action of the legation in refusing application of the Schmidt brothers on that ground approved.	274
138	Mr. Brulatour to Mr. Frelinghuysen (No. 382).	Aug. 1	American nationality: Attestation of, by passport or certificate; application of Eugene Verdelet for, on the ground of the naturalization of his father in United States and his subsequent residence and death in France, all prior to applicant's birth; French law requires such certificate attesting the maintenance of such nationality, otherwise he will be deemed a French subject; application not complied with by the legation.	275
139	Mr. Morton to Mr. Frelinghuysen (No. 403).	Sept. 12	Lafayette: Erection at Le Puy of bronze statue to the memory of; account of the unveiling of, and ceremonies attendant; attendance of United States minister, and happy relations between France and the United States manifested.	277
140	Same to same (No. 408)	Sept. 18	Primary schools in Gaboon, Africa: Compulsory use of French language in; decree of French Government for that purpose; minister of foreign affairs's reply to application for modification of decree that it cannot be granted, but that steps will be taken to tolerate the simultaneous use of the French language with the local dialects; correspondence relative to, inclosed.	280
141	Mr. Frelinghuysen to Mr. Morton (No. 358).	Oct. 1	Lafayette: Unveiling of a statue in memory of; Mr. Morton's attendance and participation in the ceremonies of the occasion approved.	282
142	Same to same (No. 359)	Oct. 1	International conference for the protection of submarine cables: Full powers of Mr. Morton and Mr. Vignaud as delegates to, inclosed.	282
143	Same to same (No. 364)	Oct. 9	American pork: Prohibitive measures against importation of; personnel of commission appointed by President to report on charge of unsoundness of.	283
144	Mr. Morton to Mr. Frelinghuysen (No. 425).	Oct. 21	American pork: Decree prohibiting the importation of; withdrawal of decree requested; copy of minister's communication relative to, inclosed.	283
145	Mr. Frelinghuysen to Mr. Morton (No. 377).	Nov. 9	American nationality: Attestation of, either by passport or certificate, cannot be issued to Verdelet, merely because of the naturalization of his father as a citizen of the United States who subsequently resumed his residence, and died in France prior to the birth of the applicant.	285
146	Mr. Morton to Mr. Frelinghuysen (No. 441).	Nov. 10	International conference for the protection of submarine cables: Convention for, signed; copy of, and report of Mr. Morton and Mr. Vignaud, inclosed.	285

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
147	Mr. Frelinghuysen to Mr. Morton (No. 379).	Nov. 13	American pork products: Prohibition of importation by Greece; copy of dispatch from Mr. Schuyler relative to, inclosed; Greece has followed precedent made by France.	291
148	Mr. Morton to Mr. Frelinghuysen (No. 445).	Nov. 15	American pork importation: Decree of prohibition of; delay in withdrawal of decree due to late reports of new epidemic of trichinosis in Germany; will be definitely determined before meeting of United States Congress.	292
149	Same to same (No. 452)	Nov. 29	American pork importation: Decree prohibiting, unconditionally repealed; important aid of Mr. Vignaud in effecting this result.	292
150	Mr. Frelinghuysen to Mr. Morton (No. 400).	Dec. 13	International conference for the protection of submarine cables: Action of Mr. Morton and Mr. Vignaud as delegates to, commended.	294

CORRESPONDENCE WITH THE LEGATION OF FRANCE.

		1882.		
151	Mr. Roustan to Mr. Frelinghuysen.	Sept. 27	Submarine cables: International conference for the protection of; co-operation of the United States desired upon basis of memorandum submitted; designation of delegates requested.	294
152	Same to same	Oct. 9	Submarine cables: International conference for the protection of; minister of foreign affairs has been informed of the appointment of Mr. Morton and Mr. Vignaud as United States delegates to; principal powers have signified their adhesion to.	296
153	Same to same	Nov. 20	Reorganization of justice in Tunis under the protectorate of France; requests of United States the renunciation of right of extraterritoriality of its citizens in Tunis.	296
154	Mr. Frelinghuysen to Mr. Roustan.	Nov. 23	Reorganization of justice in Tunis: Relinquishment of exterritorial right of United States citizens can only be made by Congress; subject will be submitted to that body for determination.	297
155	Mr. Roustan to Mr. Frelinghuysen.	Nov. 23	Submarine cables: International conference for the protection of; protocol for convention to be submitted to the different powers; requests adhesion of United States as promptly as may be.	298
		1883.		
156	Same to same	June 4	Reorganization of justice in Tunis: Requests relinquishment by United States of right of extraterritoriality as to its citizens; copy of decree of France and of the Bey of Algiers relative to, inclosed.	298
157	Mr. Frelinghuysen to Mr. Roustan.	July 3	Reorganization of justice in Tunis: Question of relinquishment by the United States of right of extraterritoriality as to its citizens in Tunis is pending before Congress; its decision relative to, will be promptly notified.	303
158	Mr. Denaut to Mr. Frelinghuysen.	Sept. 12	Submarine cables: International conference for the protection of; reassembling of, October 15, 1883, proposed; assent to, of the United States requested.	303
159	Mr. Frelinghuysen to Mr. Denaut.	Sept. 22	Submarine cables: International conference for the protection of; project of a convention for; delegates of the United States have been instructed to join in.	304
160	Mr. Denaut to Mr. Frelinghuysen.	Dec. 3	Submarine cables: International conference for the protection of; delay of three months in signing the final agreement, within which time amendment may be submitted; copies of the proceedings inclosed.	304
161	Mr. Frelinghuysen to Mr. Denaut.	Dec. 6	Submarine cables: International conference for the protection of; United States is prepared to sign convention for, on the day fixed.	305

GERMANY.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
162	Mr. Sargent to Mr. Frelinghuysen (No. 74).	Nov. 6	American pork: Restriction on the importation of, to be enlarged; bill to be submitted to the Reichstag will affect not only the importation of sausages and chopped meat, but also hams and live swine; it is assumed that all American swine are diseased, and this measure is justified on sanitary grounds; press comments showing the objections to the bill in the hardships on the consumers, inclosed.	305
163	Same to same (No. 77).....	Nov. 13	American pork: Proposed bill for the wholesale prohibition of the importation of; effect of, on trade of Germany and the subsistence of the poorer classes; measure due to the interested motives of the native producers of pork; articles from Berlin Tribune relative to, inclosed.	307
164	Same to same (No. 79).....	Nov. 13	National debts of European powers: The result of extraordinary expenditures for purpose of armament, and the financial war conducted by France; disarmament or bankruptcy are the alternatives; extracts from European press inclosed, reflecting on France's responsibility for this state of affairs.	311
165	Same to same (No. 81)	Nov. 20	Opening of the Prussian Parliament: Speech of His Majesty; it refers to the increased activity of industries as due to trade legislation and favorable harvests; deficit in treasury, from the rejection of financial plans at last session; loan and plans for increased revenue; development of railway and canal systems; abolition of four lowest grades of class tax recommended.	313
166	Mr. Frelinghuysen to Mr. Sargent (No. 66).	Nov. 28	American pork, importation of, into Germany: Renewed agitation of prohibition of; proposed bill to be submitted to the Reichstag extending the restriction to all live swine, and the products of; minister instructed to oppose the measure and show Germany its groundlessness and injustice.	318
167	Mr. Sargent to Mr. Frelinghuysen (No. 85).	Dec. 11	American pork: Proposed ordinance will prohibit importation from the United States of pigs, pork, bacon and sausages; abolishes law of 1880; its adoption urged as a sanitary measure; Hamburg merchants memorialize the Bundesrath as to bad effect of such restriction on trade and the poorer classes of consumers; propriety of action of Congress to impress upon Germany the falsity of the charge that all American swine are in diseased condition.	319
168	Same to same (No. 87)	Dec. 18	American pork: Proposed prohibitory ordinance relative to; opposition to its adoption by merchants and the Progressist party; soundness of reasons assigned for it denied; power by Bundesrath to make such ordinance without sanction of Reichstag questioned; interpellation to be made in the Reichstag on these points.	323
		1883.		
169	Same to same (No. 90)	Jan. 1	American pork: Opposition to prohibition of, increasing; claim that its adoption as a sanitary measure known to be a pretense; it is in the interest of the native proprietors, who are not able to successfully compete in the market with the American products; this development of widespread opposition is likely to hasten the adoption of the ordinance to escape effect of further discussion.	324
170	Same to same (No. 95)	Jan. 8	Leon Gambetta: Death of so distinguished statesman and patriot a national calamity to France; his sentiments on rights and foreign interests of his country made him an object of special interest to other nations; while he lived there was no feeling of security that he would not precipitate a war with Germany; that nation now regards his death as a pledge of peace for Europe, but pays generous tribute to his abilities and love of country.	326
171	Mr. Frelinghuysen to Mr. Sargent (No. 74).	Jan. 12	American pork importation: Mr. Sargent to take all necessary steps to cause the abandonment of the proposed restrictive measures.	327

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
172	Mr. Sargent to Mr. Frelinghuysen (No. 96).	Jan. 13	American pork: Prohibition of importation of, by proposed bill; discussion of, in the Reichstag upon an interpellation by the Progressist party; demonstrates the want of just ground for its passage, as also lack of power in the Federal Council to adopt it; still the Government will probably pass it; the only ones favoring it are the Bundesrath and the hog-breeders of Germany.	328
173	Same to same (No. 99)	Jan. 22	Treaty of naturalization and citizenship with the United States: The new one proposed should contain provision that a residence by an American ten years abroad terminates his American citizenship; the law of Germany contains provisions of that character; new treaty should be adapted to the application of this principle to Alsace and Lorraine; copy of the German law inclosed.	330
174	Same to same (No. 107)	Feb. 10	Contributions from United States to sufferers in inundated districts of Germany: Receipt of, from San Francisco, acknowledged by direction of the Emperor, and taken as added proof of the friendly relations between the two countries.	333
175	Mr. Frelinghuysen to Mr. Sargent (telegram).	Feb. 15	American pork: President invites Germany to send a commission of experts to United States to examine raising and packing of hogs for food purposes.	335
176	Same to same (No. 87)	Feb. 16	American pork: Proposed prohibition of, from Germany; unsoundness of grounds for; President invites Germany to send a commission of experts to examine question of hog raising and packing in the United States; that action on prohibitory measures may meanwhile be delayed.	335
177	Mr. Sargent to Mr. Frelinghuysen (No. 109).	Feb. 17	American pork: Prohibition of the importation of; minister of foreign affairs informed of the President's invitation to Germany to send expert commission to the United States to examine hog raising and packing industries; reply that he wishes documents and further information on the subject, but makes no decisive answer to President's invitation.	338
178	Mr. Frelinghuysen to Mr. Sargent (No. 88).	Feb. 21	American pork: Proposed prohibitory legislation against the importation of; the discussion of, in the Reichstag as a hopeful sign; proposition for an expert commission from Germany approved.	338
179	Mr. Sargent to Mr. Frelinghuysen (No. 111).	Feb. 24	American pork: Prohibition of the importation of; approval of decree by Bundesraht; minister requests answer to President's invitation; correspondence inclosed.	339
180	Same to same (No. 112).....	Feb. 26	Naturalized Americans: Effect of renaturalization of, in Germany, on the status of their offspring born in the United States; decision by the legation not to intervene in cases of Scheibert and Staarbach, held for military service, for the reason that they are deemed to have become German citizens at the renaturalization of parents, being minors, and in Germany at the time; question submitted to the Department.	342
181	Same to same (telegram)....	Mar. 8	American pork: Expert commission for examination of question; invitation of United States not replied to; action of Bundesrath adverse.	348
182	Same to same (No. 120).....	Mar. 12	Colonization scheme for Germany: Discussed in the interest of trade, to save the expense of maintenance of its criminals, and as a relief from overpopulation through immigration; most of territory suitable for such purposes already occupied; expense of such a scheme; fallacy of the proposition on which the project is built; self-interest, and not patriotism, is the motive which prompts immigrants; United States will continue as in the past to receive the bulk of German immigration.	349
183	Same to same (telegram)....	Mar. 14	American pork: Germany declines to send expert commission or suspend prohibitory decree.	355
184	Mr. Frelinghuysen to Mr. Sargent (No 98).	Mar. 14	American pork: Proposed bill for prohibition in Germany; letter of Armour & Co., relative to, inclosed.	355

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
185	Mr. Frelinghuysen to Mr. Sargent (No. 99).	Mar. 14	American pork: Decree prohibiting importation of; President's invitation to send expert commission to United States; action of Mr. Sargent in presenting matter approved in that which touches the operation of laws of international trade, but an intimation of retaliation by this Government in the event of a refusal by Germany is going beyond the intention of the President.	356
186	Mr. Sargent to Mr. Frelinghuysen (No. 121).	Mar. 15	American pork: Importation of, prohibited; reply of Germany to United States' proposal of expert commission sent to German minister at Washington; ordinance will not be suspended pending action of German minister; unless measures of reprisal are adopted by Congress, the next step will be the exclusion of American lard.	357
187	Mr. Frelinghuysen to Mr. Sargent (No. 100).	Mar. 16	Naturalized Americans: Effect of renaturalization of, in Germany on the status of their offspring born in the United States; decision of the legation not to interfere in cases of Scheibert and Staarbach, held for military service, because they are deemed to have become German citizens at the renaturalization of their parents, they being minors, and in Germany at that time, fully approved and commended by the Department.	358
188	Mr. Sargent to Mr. Frelinghuysen (No. 122).	Mar. 19	American pork: Decree of the Bundesrath excluding the same; extract from Norddeutsche Allgemeine Zeitung, showing regulations proposed to enforce the decree; suspected evasion of the decree by indirect shipments; members of the Reichstag opposed to the ordinance; testimony of physicians and others in favor of American pork.	359
189	Same to same (No. 123)	Mar. 19	Socialism in Europe: Spread of crime resulting from its teachings; late dynamite outrage in London will lead to plan for an international league of great powers for the prevention and punishment of such crimes, which make warfare against mankind under the guise of political agitation.	361
190	Mr. Frelinghuysen to Mr. Sargent (No. 102½).	Mar. 31	France and Venezuela: Dispute between, as to foreign debt of the latter; history of, reviewed; proposition for settlement of; United States to act as receiver of the funds for payment of foreign debt; views of Germany on, requested.	364
191	Same to same (No. 108)	Apr. 11	American pork: Importation of, as affected by the ordinance and regulations of prohibition; their bearing upon Article V of treaty of May 1, 1832, will be considered and special instruction sent.	369
192	Mr. Sargent to Mr. Frelinghuysen (No. 135).	Apr. 13	American pork: Prohibition of importation of; report of deaths at Tilsit from trichinæ in; investigation of, by order of United States ister, resulted in showing its falsity and the unfriendly spirit of Germany in giving credit to such statement, instigated by native hog-breeders; disposition of the Reichstag opposed to exclusion of American pork.	370
193	Same to same (No. 137).....	Apr. 13	American pork: Ordinance prohibiting the importation of; Mr. Sargent asserts that in his note to Count Hatzfelt he sought to present every reason that could influence Germany to avert the prohibitory decree; allusion to action of Congress was not suggested as dependent on Germany's acceptance of the President's proposition.	374
194	Same to same (No. 141).....	Apr. 19	Political: Special message of the Emperor to the Reichstag, urging the speedy passage of appropriation bills to expedite his socialistic plans in the interest of working classes, such as the accident insurance law, which failed in last session; sentiment of the Reichstag and press opposed to this action as an invasion of the rights of the Reichstag.	375
195	Same to same (No. 145).....	Apr. 28	American pork: Foreign press comments on minister's action; injustice of, and correction in misstatements by, made; extract inclosed.	377
196	Mr. Frelinghuysen to Mr. Sargent (No. 116).	May 4	American pork, prohibition of importation of: Action of minister in the reported case of trichinosis in Tilsit approved.	379

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
197	Mr. Sargent to Mr. Frelinghuysen (No. 146).	May 4	American pork: Foreign press comments on Mr. Sargent's action on; explanation by German newspapers of; extracts inclosed.	379
198	Same to same (No. 147).....	May 5	American pork: Presentation of Department instruction No. 99 on the subject to the German foreign office; satisfaction that United States does not desire to discuss internal affairs of the Empire.	381
199	Same to same (No. 153).....	May 14	Political: Increased opposition to socialistic measures proposed by the Emperor; motion in the Reichstag by the Progressist party to refer the appropriation bills to a committee adopted; this is equivalent to a rejection of the budget bill; the opposition regard the passage of the bill as tending to render the executive more independent of the legislative power.	382
200	Same to same (No. 155).....	May 19	American pork, prohibition of importation of: Continued discussion of, and severe comments on the North German Gazette, have caused that paper to attempt a justification of its course by reasserting the necessity of the prohibition on sanitary grounds; that the trade interests on the subject are not sufficient to warrant so much discussion.	383
201	Same to same (No. 157).....	May 21	American pork: Exclusion from Germany; refers to article in German press relative to correspondence.	385
202	Mr. Davis to Mr. Sargent (No. 119).	May 23	American pork, impending prohibition of imports of: Mr. Sargent's report on; embarrassment resulting from action of German papers due to a wilful perversion of the facts by an unfriendly journal.	385
203	Mr. Sargent to Mr. Frelinghuysen (No. 163).	June 15	Venezuelan debts: Desire of Germany to agree to whatever the other interested nations approve of, with due regard to its treaty rights.	386
204	Mr. Frelinghuysen to Mr. Sargent (No. 141).	July 25	American pork: Prohibition of importation of, by decree of the Reichstag; request of the United States for postponement of proclamation of the act; proposition for commission of experts to investigate pork packing in the United States; copy of German minister's note relative to, inclosed, showing reasons for rejecting proposal and refusal to postpone operation of the decree.	387
205	Same to same (No. 156).....	Oct. 9	American pork: Prohibition of the importation of; commission to investigate and settle the charge of unhealthfulness in American pork appointed by the President; personnel of the commission.	389
206	Mr. Sargent to Mr. Frelinghuysen (No. 201).	Oct. 15	American pork: Exclusion of, from Germany; although the prohibition has been in force long enough to exhaust the supply of American pork the prevalence of trichinosis in many districts justifies the conclusion that it is caused by the consumption of German or some other than American pork, and no longer possible to ascribe to the United States the existence of such disease.	389
207	Mr. Frelinghuysen to Mr. Sargent (telegram).	Oct. 20	Pork commission: Trichina cases reported in Germany; investigation of, and report on, by consuls requested for.	390
208	Mr. Sargent to Mr. Frelinghuysen (No. 203).	Oct. 20	Naturalized Americans: Liability of, to military service in Germany; questions arising in and principles involved are practically settled; report of cases arising and disposed of during the year ending October, 1883, inclosed.	390
209	Same to same (No. 204).....	Oct. 20	American pork in Germany: Exclusion of, does not protect the consumers of pork from epidemic of trichinosis; additional evidence in the prevalence of that disease in Prussia despite the fact of the enforcement of prohibition long enough to have exhausted the supply of American pork.	395
210	Same to same (No. 205).....	Oct. 22	Trichinosis in Germany: Investigation of, and report on; consul at Brunswick instructed to act on, promptly.	397
211	Same to same (No. 208).....	Oct. 26	American pork in Germany: Trichinosis, origin, extent, and spread of; report on, by Consul Fox demonstrates that American pork is exonerated from charge of being cause of; that the inspection laws of Germany are insufficient; and all disease is due to eating pork not properly cooked; report inclosed.	396

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
212	Mr. Sargent to Mr. Frelinghuysen (No. 213).	Nov. 5	American pork in Germany: Trichinosis in districts of; additional evidence of the ravages of, and all in vindication of the healthfulness of American pork.	401
213	Same to same (No. 214).....	Nov. 12	American pork in Germany: Epidemic of trichinosis in Ermesleben; progress and condition of; contributions made for the relief of the sufferers.	402
214	Same to same (No. 218).....	Dec. 1	Trichinosis in Germany: Investigation of, in city of Thorn by United States consular agent proves that disease was caused by the use of native pork.	403

CORRESPONDENCE WITH THE LEGATION OF GERMANY.

		1883.		
215	Mr. Von Eisendecher to Mr. Frelinghuysen.	May 2	American pork: Proclamation of decree prohibiting importation of; request of Mr. Sargent to postpone cannot be granted; enactment necessary on sanitary grounds, and is closely connected with the internal institutions of Germany, with which other nations have no right to interfere; Germany does not make such requests of other nations in like cases; the action of the proposed commission could effect no change in the judgment of Germany as to the propriety of this decree.	404
216	Same to same.....	July 27	American pork, prohibition of, from Germany; Object of the Government was the adoption of a sanitary measure to protect their own people; thinks the action of the expert commission would not secure a guaranty of safety from trichinæ.	406

GREAT BRITAIN.

		1882.		
217	Mr. Frelinghuysen to Mr. Lowell (No. 475).	Oct. 21	John Howard Payne: Removal of remains of, to United States: proposition of Mr. Corcoran to aid in; Lord Granville to be informed of desire of United States that British consul at Tunis be requested to apply for permission to exhume the remains; copy of Mr. Corcoran's letter inclosed.	407
218	Mr. Lowell to Mr. Frelinghuysen (No. 446).	Nov. 17	John Howard Payne: Request by Mr. Lowell for aid of British consul at Tunis to aid in removal of remains of, to United States; correspondence with Lord Granville inclosed.	408
		1883.		
219	Same to same (No. 471).	Jan. 2	John Howard Payne: British consul at Tunis instructed to aid in all measures for the removal of remains of, to United States; correspondence inclosed.	409
220	Same to same (No. 479).....	Jan. 12	John Howard Payne: Remains of, exhumed and shipped to Marseilles through kindly offices of British consul at Tunis; correspondence inclosed.	410
221	Mr. Frelinghuysen to Mr. Lowell (No. 536).	Feb. 9	John Howard Payne: Removal of remains of, to the United States; in thanking Lord Granville for his kindly offices an expression of the high appreciation of the Department of State to be conveyed to Mr. Reade, British consul at Tunis, for his efficient services in complying with the wishes of the United States.	412
222	Mr. Lowell to Mr. Frelinghuysen (No. 498).	Feb. 16	Political: Opening of Parliament; speech of Her Majesty; reforms proposed in the local governments of the Kingdom; Government will not abandon its former policy, of which punishment of crime will be a preliminary condition to means adapted to removing motive or excuse for commission of it.	413
223	M. Frelinghuysen to Mr. Lowell (No. 564).	Apr. 5	Fishery articles of the treaty of May 8, 1871: Incloses joint resolution of Congress for termination of Arts. XVIII to XXV, and XXX, July 2, 1883; Mr. Lowell to comply with, by giving notice required.	413

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
224	Mr. Lowell to Mr. Frelinghuysen (No. 531).	Apr. 16	Arrest of American citizens: Cases of Edmund O'Brien Kennedy (*alias* Featherstone), and Thomas Gallagher; investigation into causes of their arrest; correspondence relating thereto.	414
225	Mr. Frelinghuysen to Mr. Lowell (No. 586).	May 5	Clayton and Bulwer treaty: Modification of; Lord Granville's instruction to Mr. West in reply to Department's No. 368 to Mr. Lowell; reassertion that first seven articles of treaty relate to particular canal then in contemplation; that the treaty is voidable by failure of Great Britain to aid in establishing canal; also that Art. VIII shows an intention to negotiate on a particular subject in the future; making of treaties by the United States with Central American States does not imply admission of obligation to make joint guaranty with Great Britain; treaty must be considered as a whole; Great Britain has admitted the justice of this view by its acquiescence; Honduras was not a British possession in 1850; United States think that their views as to effects of the treaty on Monroe doctrine are logically manifest.	418
226	Mr. Lowell to Mr. Frelinghuysen (No. 552).	May 19	International Fisheries Exhibition: Prospective success of; great credit due to the United States and Smithsonian Institution therefor; excellence of the display made by the United States.	421
227	Mr. Davis to Mr. Lowell (No. 596).	May 25	Assisted emigration from Ireland to the United States: While the United States recognize and seek to induce other nations to admit the right of expatriation and encourage emigration, still they do not open their ports to criminals and paupers, and laws exist for the exclusion of such; and must look upon any system of assisted immigration which brings an element that will be a burden on the country as an unfriendly act; Lord Granville to be informed of these views and Mr. Lowell to report on the subject.	422
28	Mr. Lowell to Mr. Frelinghuysen (No. 554).	May 26	American missionaries in Bulgaria: Protection given to, by British consul; thanks of the President of the United States conveyed to Great Britain; satisfaction of Lord Granville, and wish to be informed if any further action on part of the consul is desired; correspondence relative to, inclosed.	428
229	Same to same (No. 557)	May 29	Clayton and Bulwer treaty: Modification of, and effect of, on Monroe doctrine; instruction No. 368 communicated to Lord Granville and copy of, left with him.	433
230	Same to same (No. 558).....	May 29	American mission schools in Bulgaria: Interference with, by mob; doors of school building forced; the missionary beaten; Bulgarian priests encouraging; note of Lord Granville relative to, inclosed; similar outrages upon Greek schools; all indicate a concerted design to prevent the establishment of schools by foreigners in that country.	434
231	Same to same (No. 563)	June 6	Fishery articles of the treaty of May 8, 1871: Termination of Nos. 18 to 25, inclusive, and No. 30 of; note to foreign office that July 2 United States would give notice provided by act of Congress; response of Lord Granville acknowledging reception of note; correspondence inclosed.	434
232	Mr. Frelinghuysen to Mr. Lowell (No. 605).	June 7	American missionaries in Bulgaria; protection to, by British consul; at request of missionaries, no further action necessary; to aid Department as to any question that may arise as to relation of the provisions of Berlin treaty touching religious toleration to citizens of non-signatory powers; the minister to investigate and report.	435
233	Mr. Davis to Mr. Lowell (No. 617).	June 26	Ill treatment of American missionaries in Bulgaria: Action relative to, taken by Italy, France and Austria; copy of Mr. Wallace's dispatch No. 226 inclosed.	436
234	Mr. Lowell to Mr. Frelinghuysen (No. 573).	June 30	Assisted emigration from Ireland: Account of the method of aiding emigrants; class of people; none sent unless to friends or relatives in the United States able and willing to assist them; no attempt on the part of Great Britain to export helpless paupers. The "Tuke fund" and its system.	436

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
235	Mr. Lowell to Mr. Frelinghuysen (No. 574).	July 2	Fishery articles of the treaty of May 8, 1871: Nos. 18 to 24, inclusive, and 30, of; termination of, notified to Great Britain July 2, 1883; the provisions of said articles to terminate on the expiration of two years after July 2, 1883; copy of notice and correspondence relative to, inclosed.	440
236	Same to same (No. 580)	July 5	Assisted emigration from Ireland: Letters from relatives in America of certain emigrants ordered to be sent back as paupers, offering them homes and employment.	442
237	Same to same (No. 587).....	July 14	Importation of foreign cattle: Resolution adopted by the House of Commons recommending that the landing of live animals from countries where the laws relating to their importation and exportation and their general sanitary condition are not rigidly made and enforced, be prohibited.	442
238	Mr. Frelinghuysen to Mr. Lowell (No. 534).	July 18	Foreign debt of Venezuela: Adjustment of; referring to instruction 562, incloses copy of note from Germany that she will agree to whatever the other interested powers may approve relative to her treaty rights.	443
239	Mr. Lowell to Mr. Frelinghuysen (No. 591).	July 20	American missionaries in Bulgaria: Attack upon, by authorities for compelling the pupils in their schools to practice the Protestant religion. Dispatch from British agent and consul-general at Sofia to Lord Granville on the subject.	444
240	Mr. Frelinghuysen to Mr. Lowell (No. 540.)	July 25	Obstruction of the St. John's River in violation of the third article of the treaty of 1842: Damages to lumber trade of American citizens; Great Britain to be requested to redress the same, and prevent recurrence in future.	445
241	Mr. Davis to Mr. Lowell (No. 648).	Aug. 7	Assisted emigration from Ireland to the United States: Case of certain assisted emigrants cited by Lord Granville as having been helped by relatives, and that they have relatives to care for them on arrival; report from the Treasury inclosed, show that no such assisting relatives could be found, and the destitute emigrants were in consequence returned to their native land.	447
242	Mr. Adee to Mr. Lowell (No. 653).	Aug. 20	Importation of foreign cattle into England: Proposition to prohibit, from all countries that do not have rigid laws for prevention of cattle diseases; document and report on the subject of "foot and mouth disease," showing that it does not prevail among American cattle, inclosed for the consideration of Lord Granville.	450
243	Same to same (No. 654)	Aug. 22	Ill treatment of American missionaries in Bulgaria: Thanks of the United States to be conveyed to the British Government for the friendly course of the British consul-general at Sofia.	451
244	Mr. Lowell to Mr. Frelinghuysen (No. 615).	Aug. 28	Fishery articles of treaty of May 8, 1871; notice of termination of: Mr. Lowell, in answer to his inquiry, informed Lord Granville that it was the intention of the United States, in said notice, that the provisions of Art. XXXII, relating to Newfoundland, shall cease to be effective simultaneously with the articles cited in notice which relate to the Dominion of Canada; correspondence inclosed.	451
245	Mr. Hoppin to Mr. Frelinghuysen (No. 625).	Sept. 24	Patrick O'Donnell: Application of, as American citizen, that United States should provide for his defense on charge of murder of Carey, the informer; refused by the United States legation in the absence of instruction from the Department.	452
246	Mr. Frelinghuysen to Mr. Lowell (No. 675).	Oct. 1	American quarantine regulations, in relation to diseases in cattle: The charge made in England that they take into consideration only the animals, and not the conveyance of disease by the men at the stations and articles taken from the yards; letter and circular from the Treasury controverting the charge inclosed.	454
247	Same to same (No. 677)	Oct. 5	Trial of Patrick O'Donnell in England: Question of the American citizenship of the accused; correspondence relative to, inclosed.	459
248	Same to same (No. 684).....	Oct. 12	Trial of Patrick O'Donnell in England: Courtesy requested for Messrs. Hynes and O'Brien, to aid in defense.	460

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
249	Mr. Hoppin to Mr. Frelinghuysen (No. 632).	Oct. 12	American quarantine regulations in relation to diseased cattle: Correspondence with Lord Granville on that subject inclosed.	461
250	Mr. Frelinghuysen to Mr. Lowell (No. 685).	Oct. 13	Defense of Patrick O'Donnell: Copies of correspondence relative to, with Hon. J. A. Logan inclosed.	462
251	Same to same (No. 688).....	Oct. 16	Fishery articles of the treaty of May 8, 1871: Notice of the termination of; Lord Granville's understanding of the intention of the United States to be that the provisions of Art. XXXII relative to Newfoundland shall cease simultaneously with the cited articles relating to Dominion of Canada; while the treaty does not expressly provide for the termination of that article, still it loses all operative force with the removal of the bases of the conjoined treaty and legislation on which it rested.	464
252	Same to same (No. 690).....	Oct. 18	Assisted emigration from Ireland to the United States: Copy of a letter from Secretary of Treasury relative to, inclosed.	465
253	Mr. Hoppin to Mr. Frelinghuysen (No. 637).	Oct. 18	Defense of Patrick O'Donnell: Difficulty in settling question of citizenship; not necessary to employ additional counsel at expense of the United States.	467
254	Mr. Frelinghuysen to Mr. Lowell (telegram).	Oct. 20	Defense of Patrick O'Donnell: Mr. Lowell has been instructed to ascertain citizenship of O'Donnell.	468
255	Mr. Hoppin to Mr. Frelinghuysen (telegram).	Oct. 22	Defense of Patrick O'Donnell: Citizenship claimed through naturalization of the father; apparent truth of his statements.	469
256	Same to same (No. 641).....	Oct. 23	Trial of Patrick O'Donnell: Interview with accused; claims naturalization in 1876, after seven years' residence in United States; refers to Michael McGinley as witness to his naturalization.	469
257	Mr. Frelinghuysen to Mr. Hoppin (telegram).	Oct. 30	Defense of Patrick O'Donnell: Mr. Hoppin to ascertain and report the name of regiment and captain of company in which accused served in United States Army.	471
258	Mr. Hoppin to Mr. Frelinghuysen (No. 647).	Oct. 30	Defense of Patrick O'Donnell: Citizenship of the accused; asks if he may consider question of sufficiently settled by the evidence already adduced.	472
259	Same to same (telegram) ...	Oct. 31	Defense of Patrick O'Donnell: Accused says he was only a teamster in the United States Army.	473
260	Same to same (telegram) ...	Nov. 1	Defense of Patrick O'Donnell: Police report that accused was a deserter and bounty-jumper.	474
261	Same to same (No. 652)	Nov. 2	Defense of Patrick O'Donnell: Discrepancy in the statements of the accused as to his residence in the United States.	474
262	Same to same (telegram)....	Nov. 10	Defense of Patrick O'Donnell: The father of the accused was never naturalized in the United States.	475
263	Same to same (No. 658)	Nov. 13	Defense of Patrick O'Donnell: Father of accused was Michael O'Donnell; dead eighteen years, and never a naturalized American, and when in America lived in Pennsylvania.	475
264	Mr. Frelinghuysen to Mr. Hoppin (No. 705).	Nov. 19	Defense of Patrick O'Donnell: Accused regarded as a citizen of the United States; cannot ask a relaxation of rules of English court so as to admit American counsel to take part in the trial of the case.	475
265	Mr. Lowell to Mr. Frelinghuysen (No. 666).	Nov. 19	International Fisheries Exhibition: Co-operation in, of the United States; special expression of executive committee of gratitude for; commendatory mention of Professor Goode.	476
266	Mr. Frelinghuysen to Mr. Lowell (No. 708).	Nov. 22	Clayton and Bulwer Treaty: Reply to Lord Granville's instruction to Mr. West of August 17, 1883; United States still contends that the treaty is voidable on two grounds; first, because the first seven articles related to a particular canal then contemplated; second, because Great Britain has a colony instead of a settlement at Belize; but also that as for the purpose of obtaining capital to construct the Nicaragua canal the United States were willing to surrender part of their exclusive privileges in such canal, and by subsequent treaty stipulations to join with Great Britain in the protection of any other interoceanic communication,	477

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.	and that consideration having failed, the treaty is voidable as to all routes. This effect would have been the same if the time within which the consideration should be rendered had been definitely fixed by the treaty; the provisions of treaty were violated in the organization of settlement in Honduras under Spanish-American sovereignty into a British colony; the declaration of Sir Henry Bulwer tended to strengthen and not to destroy the mutual obligations not to colonize in Central America; Great Britain not called upon to affirm or deny the Monroe doctrine, though modified by the treaty, because of the falling of such treaty by its infraction and failure of consideration.	
267	Mr. Frelinghuysen to Mr. Lowell (No. 716).	Nov. 30	American missionaries in Turkey: Assistance of British consul at Erzeroum; thanks for, to be conveyed to the British Government.	478
268	Same to same (telegram)....	Dec. 11	Trial of Patrick O'Donnell: The American citizenship having been established, the President requests a delay of execution of sentence and a careful examination of the case, for any possible error in proceedings.	479
269	Mr. Lowell to Mr. Frelinghuysen (telegram).	Dec. 15	Sentence of Patrick O'Donnell: The proceedings and objections by counsel having been carefully examined, Her Majesty's Government finds no grounds which would justify an interference with execution of.	479

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN.

		1882.		
270	Mr. West to Mr. Frelinghuysen.	Sept. 25	Chinese immigration act of the United States: Asks what will be the treatment under said act of Chinese laborers resident of Demerara, but natives of Hong-Kong, returning to China by way of San Francisco.	480
271	Same to same.....	Nov. 1	Reorganization of administration of justice in Tunis: Great Britain will relinquish right of extraterritoriality as to its citizens on the institution of courts through its protectorate in that jurisdiction.	480
272	Mr. Frelinghuysen to Mr. West.	Nov. 28	Custody of foreign vessels' papers in Colombian ports: Requirement imposed by local authorities of Panama contravenes law 109 of 1880.	481
273	Same to same.....	Nov. 28	Custody of foreign vessels' papers in Venezuelan ports: Requirement of deposit of such papers with port officers; United States ask for modification of; inquires if Great Britain contemplates similar action.	481
274	Same to same.....	Dec. 20	Incursions of Indians across the Northwestern boundary: Bands of Canadian Indians in Montana Territory; collision with troops imminent; copy of telegram inclosed.	481
275	Same to same.....	Dec. 23	Tunis: Extension of French judicial system to; France has been informed that the consular jurisdiction of the United States can be renounced only by act of Congress.	483
276	Mr. West to Mr. Frelinghuysen.	Dec. 23	Indian hostilities on the border: Information communicated to Canada suggests an arrangement as proposed by Marquis of Lorne for prevention of, as suggested in note of May 3.	483
277	Lord Granville to Mr. West (No. 344).	Dec. 30	Clayton and Bulwer treaty, modification of: Great Britain's reply to Mr. Frelinghuysen's No. 368 to Mr. Lowell, that Article VIII of the treaty established the general principle that all communication between Atlantic and Pacific Oceans across the isthmus should be for the equal benefit of all countries; that Great Britain has committed no acts justifying the United States in denouncing the treaty; there is no necessity for a renewal of any provisions of the treaty; a proposal for defining the limits within which captures may be made would be considered; Monroe doctrine neither admitted nor denied.	484

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
278	Mr. West to Mr. Frelinghuysen.	Jan. 12	Indian hostilities on the border: Canadian authorities notified of the probability of Indians seeking refuge in Canada.	490
279	Same to same	Jan. 15	Custody of foreign vessels' papers in Colombian ports: Her Majesty's minister to Colombia has been instructed to co-operate with the representative of the United States with regard to the proceedings complained of at Panama.	491
280	Same to same	Jan. 15	Custody of foreign vessels' papers in Venezuelan ports: Pending full information on the subject Her Majesty's Government has instructed its representative in Venezuela to act in concert with those of the United States or other powers in steps to obviate the inconvenience of the existing practice.	491
281	Mr. Frelinghuysen to Mr. West.	Jan. 17	Chinese immigration act of the United States: The provisions do not apply to natives of Hong-Kong merely passing through United States; extract from opinion of Attorney-General quoted.	491
282	Mr. Davis to Mr. West	Jan. 18	Custody of foreign vessels' papers in Colombian ports: Information that Great Britain will co-operate with United States on this question has been communicated to United States minister at Caracas.	492
283	Same to same	Jan. 18	Custody of foreign vessels' papers in Venezuelan ports: American minister at Caracas has been advised that Her Majesty's minister in Venezuela will act in concert with the former in this matter.	492
284	Same to same	Jan. 26	Incursions of British Indians in Montana Territory: Asks co-operation of Dominion authorities; copy of telegram inclosed.	493
285	Mr. Frelinghuysen to Mr. West.	Feb. 3	Chinese immigration act of the United States: Copies of Treasury Department circular relative to, inclosed.	493
286	Mr. Saurin to Mr. Frelinghuysen.	Feb. 28	Indian hostilities on the border: Report to Department of Interior of Canada from officer commanding at Wood Mountain as to movements of half-breed and hostile Indians of Milk River, inclosed.	494
287	Mr. West to Mr. Frelinghuysen.	Mar. 10	Custody of foreign vessels' papers in Venezuelan ports; Her Majesty's minister in Venezuela instructed to co-operate with Mr. Baker in proposed action for modifying the present law.	495
288	Same to same	Mar. 15	Incursions by British Indians into Montana Territory: Report of privy council of Canada and newspaper comment relative to, inclosed.	495
289	Mr. Frelinghuysen to Mr. West.	Apr. 17	Indian raids across the frontier of Great Britain and the United States: United States regard it as impracticable to issue passes to American Indians; instructions to military to destroy property found on captured Canadian Indians; suggests an agreement for reciprocal passage of troops in pursuit of Indians, similar to agreement between Mexico and the United States.	496
290	Same to same	Apr. 18	Incursions of British Indians into Montana Territory: Report from Secretary of War relative to action of party of Crees invading the Territory and escaping pursuit by crossing the boundary, inclosed.	497
291	Same to same	Apr. 28	Incursions of British Indians in United States: Attack on and flight of across the border; copy of telegram from War Department relative to, inclosed.	499
292	Same to same	May 2	Incursions by Canadian Indians in United States: Fight between Crees and United States troops; telegram relative to, inclosed.	499
293	Mr. Davis to Mr. West	May 7	Incursions of Canadian Indians in the northwestern Territories: Capture of a party of British Indians by United States troops; copy of report of War Department, inclosed.	500
294	Same to same	May 10	Incursions by British Indians into Montana Territory: Horses stolen from Americans by Crees; telegram relative to from War Department, inclosed.	501
295	Same to same	May 19	Incursions by British Indians in northwestern Territories: Crees sent across the boundary by authorities of Montana; copy of report received by War Department.	502
296	Mr. West to Mr. Frelinghuysen.	June 8	Depredations by Canadian Indians in Montana: Letter relative to, from lieutenant-governor of northwest provinces, inclosed.	502

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
297	Mr. Frelinghuysen to Mr. West.	June 16	Indian raids across the northwestern boundary: Understanding between commanding officers of the two Governments for the suppression of; copies of correspondence in regard to, inclosed.	503
298	Same to same	June 16	Raids of Canadian Indians into northwestern Territories: Disposition of captured Crees held at Fort Assinniboine; copies of correspondence inclosed.	506
299	Mr. West to Mr. Frelinghuysen.	June 21	Depredations in United States by Canadian Indians: Report of privy council committee relative to stealing of horses in Montana Territory, inclosed.	507
300	Mr. Davis to Mr. West	June 25	Raids of British Indians into Montana Territory: Disposition made by the United States of Cree Indians captured; copy of report in regard to, closed.	508
301	Mr. West to Mr. Frelinghuysen.	June 29	Cable Company: Requesting permission to land line in Washington Territory; copy of report of committee of privy council of Canada inclosed.	509
302	Same to same	June 29	Depredations by Canadian Indians in Montana: Two reports of committee of privy council of Canada relative to, inclosed.	509
303	Same to same	July 2	Hostilities on the frontier between Canadian and American Indians: Report on, by committee of the privy council of Canada, inclosed; American Indians alleged to have begun the engagement; that United States Indian agent instigated their action.	512
304	Same to same	July 25	Raids in Canada by Piegan Indians from United States: Copy of report of a privy council committee; report as to horses stolen, inclosed.	513
305	Mr. Frelinghuysen to Mr. West	July 26	Incursions of Canadian Indians: Denial of reported presence of, in Milk River country; report from War Department on the subject; copy of, inclosed.	515
306	Same to same	July 30	Depredations in Canada by Indians from United States: Complaint of stealing of horses; proper authorities will investigate complaint.	526
307	Mr. West to Mr. Frelinghuysen.	July 30	Depredations in United States by Canadian Indians: Horses stolen on Teton River; copy of report of privy council of Canada relative to, inclosed.	526
308	Same to same	Aug. 5	Indian raids across the frontier of United States and Great Britain: Measures for prevention of, by joint agreement of the two Governments; Great Britain deems it unwise to grant the right of reciprocal passage of troops of the two countries in pursuit of Indians; report of committee of privy council of Canada, inclosed; attention called to the statutes of Canada for the punishment of persons receiving goods stolen in any other country.	527
309	Same to same	Aug. 8	Indian raids across the northwestern boundary: Good understanding for the suppression of, between officers of the two Governments; gratification of Canada therefor; copy of privy council report inclosed.	529
310	Lord Granville to Mr. West.	Aug. 17	Panama canal and the Clayton-Bulwer treaty: Reviews correspondence, reasserts former views, and replies to instruction 586 to Mr. Lowell; false construction of 8th article to say that its stipulation referred solely to Nicaragua canal; treaty was signed with understanding that it was not to apply to Her Majesty's settlements in Honduras; execution of treaty had for its policy the prevention of exclusive control of any isthmian canal by United States or Great Britain, and United States cannot contend that it is opposed to the Monroe doctrine.	529
311	Mr. Frelinghuysen to Mr. West.	Sept. 25	Depredations in Canada by United States Indians: Made in retaliation of raids by Cree Indians; copy of report from Secretary of Interior inclosed.	533
312	Same to same	Sept. 28	Depredations in Canada by United States Indians: Stolen property recovered and will be restored to Canadian owners; copy of Indian Commissioner's report inclosed.	533
313	Same to same	Nov 30	Incursions by Canadian Indians: Capture by United States troops of half breeds; copy of letter of Secretary of War inclosed.	534

GREECE.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
314	Mr. Frelinghuysen to Mr. Schuyler (No. 15).	Jan. 5	Greeks imprisoned in Turkey: Release of, effected through offices of the United States minister; Greek Government to be informed of, as evincing friendly spirit of United States for Greece; copy of No. 147, from Turkey, inclosed.	535
315	Mr. Davis to Mr. Schuyler (No. 17).	Jan. 22	Greeks imprisoned in Turkey: Release of, through action of United States minister; copy of Mr. Wallace's 158, relative to, inclosed.	535
316	Mr. Schuyler to Mr. Frelinghuysen (No. 8).	Feb. 10	American pork products: Importation of, prohibited by being incorporated in a circular relative to the introduction of animals from Eastern countries; recall of the prohibitory clause as to American products requested.	536
317	Same to same (No. 14)	Feb. 20	Greeks imprisoned in Turkey: Release of, effected through kindly offiecs of Mr. Wallace, United States minister to Turkey; his action construed by Greece as evidence of friendly feeling on part of the United States.	537
318	Mr. Frelinghuysen to Mr. Schuyler (No. 20).	Mar. 9	American pork: Importation of, into Greece prohibited; Department trusts objectionable provision will be withdrawn.	537
319	Mr. Schuyler to Mr. Frelinghuysen (No. 22).	Apr. 11	Political and financial: Unusual amount of work accomplished by the Greek Chambers, chiefly in revenue measures; a balance in the treasury; a continuance of Mr. Tricoupis' present policy will do much to improve the credit of Greece; question of resumption of specie payments is the engrossing subject with the administration.	538
320	Same to same (No. 27)	May 10	Prince of Bulgaria: Visit of, to Athens; supposed to have been for political reasons; cordiality of his reception, and good impression made by him; rivalry of races between the two peoples; Greeks think they should be the ultimate heirs of all provinces under Turkish rule; the church question the result of these ideas; the Bulgarian church constituted through influence of France and Russia.	539
321	Same to same (No. 29)	May 17	American pork: Importation of, prohibited in Greece; request of United States for the recall of the order of prohibition will be replied to by the council of ministers as soon as the investigation now in process is concluded.	540
322	Mr. Davis to Mr. Schuyler (No. 33).	May 28	American pork: Importation of, prohibited in Greece; hopes that a withdrawal of the decree will be made.	540
323	Mr. Schuyler to Mr. Frelinghuysen (No. 31).	July 25	American pork: Prohibition of importation of; Greece being a small consumer of, the recall of the prohibitory order will be obtained; in Roumania, it being largely interested in exportation of pigs, a modification of its order will be impossible.	542
324	Mr. Frelinghuysen to Mr. Schuyler (No. 5).	Sept. 18	American pork: Importation of, into European ports; status of, in various ports given.	543
325	Mr. Schuyler to Mr. Frelinghuysen (No. 42).	Oct. 19	American pork: Prohibition of the importation of, insisted on by Greece; action justified because of the prohibitory measures of France; correspondence with the foreign office inclosed.	543

HAWAIIAN ISLANDS.

		1882.		
326	Mr. Frelinghuysen to Mr. Daggett (No. 14).	Dec. 13	Reciprocity treaty of 1875 with United States: Alleged attempts to secure the advantages of, by shipment to Hawaii of Chinese sugars and reshipment of same as native products to United States; minister to investigate charges and report thereon to the Department.	545
327	Mr. Daggett to Mr. Frelinghuysen (No. 34).	Dec. 21	Reciprocity treaty between Hawaii and United States: Complete reciprocity desired by both powers; abrogation of, would be injurious to Hawaii; sugar-raising being its chief industry, Hawaii, to save benefit of free entry of new sugar into the United States, would concede free entry to American imports; such a treaty would make the Hawaiian Islands a commercial dependency of the United States.	546

HAWAIIAN ISLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
228	Mr. Frelinghuysen to Mr. Daggett (No. 16.)	Jan. 5	Elisha H. Allen, envoy extraordinary and minister plenipotentiary to United States from Hawaii: Death of, while at New Year's reception at the White House; honors paid to his character, and condolence by President and people of the United States.	547
229	Mr. Daggett to Mr. Frelinghuysen (No. 50).	Feb. 15	Coronation of the King and Queen: Ceremonies of, participated in by officers, civil and naval, of the United States; the occasion of the institution of order of "Crown of Hawaii," creation of princes and princesses, pardon of convicts, and unveiling of a statue of Kamehameha I; great enthusiasm of the people; correspondence relative to, and press accounts of, inclosed.	548
230	Same to same (No. 53).....	Feb. 26	Coronation of the King and Queen: Continuation and close of the festivities; visit of the King to foreign war vessels and conferring by His Majesty of decorations on Captain Wilson and Commander Pearson.	552
231	Same to same (No. 56).....	Mar. 5	Reciprocity treaty of 1875: Advantages of, attempted to be secured by shipment to Hawaii of Chinese sugars for reshipment to the United States as native products; report by Mr. Daggett that such course would be neither practicable nor profitable, nor does it take place to any great extent.	552
232	Same to same (No. 64).....	Apr. 6	Chinese immigration to Hawaiian Islands: Great increase of, resulting from removal of restriction on, from Hong-Kong and closing United States against these classes; a continuation of, will cause the destruction of native people; Government will likely take measures to limit Chinese immigration.	555
233	Same to same (No. 66).....	Apr. 9	Chinese immigration to Hawaiian Islands: Cabinet resolution protesting against, and authorizing measures for the prevention of excess of.	556
234	Mr. Frelinghuysen to Mr. Daggett (No. 22).	Apr. 25	Reciprocity treaty of 1875 with the United States: Alleged attempt to secure advantages of, by English steamers Glenelg and Madras, by shipment of Chinese sugars to Honolulu for reshipment to United States; letter relative to, from Consul Mosby, inclosed; Mr. Daggett to investigate, and report on.	557
235	Mr. Daggett to Mr. Frelinghuysen (No. 68).	May 7	Financial: Receipts and expenditures for year ending March 31, 1883; large appropriations made for internal improvements in anticipation of sale of $2,000,000 bonds have caused the excess of expenditures; no bonds sold nor assurance of the sale of same.	557
236	Same to same (No. 73).....	May 18	Reciprocity treaty of 1875: Alleged attempt by English steamers Madras, Glenelg, and C. T. Hook to secure advantage of, by shipment of Chinese sugars to Hawaii for reshipment to the United States; Mr. Daggett reports that the charge is not sustained; sworn statements relative to, inclosed.	558
237	Same to same (No. 78)	June 8	Reciprocity treaty of 1875: Alleged attempt to secure the advantages of, by shipment of Chinese sugar and reshipment of same to the United States as a native product; the duty of two and a half per cent. on raw sugar was intended to prevent such evasion of the treaty; the cases of the Madras, Glenelg, and C. T. Hook not sustained.	561
238	Mr. Frelinghuysen to Mr. Daggett (No. 28).	June 16	Reciprocity treaty of 1875: Alleged attempt by English vessels to secure the benefits of, by shipments of Chinese sugars into United States by way of Hawaii as native sugar; Mr. Daggett commended for ample report on.	563
239	Mr. Daggett to Mr. Frelinghuysen (No. 83).	July 7	Fourth of July celebration in Honolulu: Unusual display and enthusiasm; public offices of the Kingdom closed; shipping and buildings in the city decorated; King and Government officials take part in the exercises and festivities.	564
240	Same to same (No. 94)	Oct. 13	Polynesian Islands: Proposed annexation of, by France and Great Britain; protest against, by Hawaii; copy of, inclosed.	564
241	Same to same (No. 95)	Oct. 13	Chinese immigration to Hawaii: Cabinet resolution against, rescinded; Chinese laborers to be admitted in numbers not to exceed 600 in any three months; correspondence relative to, inclosed.	564

HAWAIIAN ISLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
342	Mr. Frelinghuysen to Mr. Daggett (No. 38).	Nov. 15	Carrying trade between China and Hawaii: Complaint by Pacific Mail Steamship Company against unjust discrimination as to, in favor of the Oriental Steamship Company; minister instructed to request relief against, as a violation of treaty of 1849 between Hawaii and United States; copy of communication relative to, from Pacific Mail Steamship Company, inclosed.	567
343	Same to same (No. 42).	Dec. 6	Polynesian Islands: Proposed annexation of, by France and Great Britain, and protest against by Hawaii; United States not called upon to oppose or support; copy of correspondence with Hawawiian legation, inclosed.	572

CORRESPONDENCE WITH THE LEGATION OF THE HAWAIIAN ISLANDS.

		1883.		
344	Mr. Carter to Mr. Frelinghuysen.	Mar. 30	Reciprocity treaty of 1875 with the United States; Alleged attempt to secure the advantages of, by the introduction free of other than Hawaiian sugars; invitation for investigation by United States Treasury into the truth of such charges.	573
345	Mr. Frelinghuysen to Mr. Carter.	Apr. 19	Reciprocity treaty of 1875 with Hawaii: Alleged attempt to secure advantages of, by shipment to Hawaii of Chinese sugars, and reshipment of same to United States as native sugars; Mr. Daggett's report, covering year 1882, shows that no such illicit practices existed during previous years.	574
346	Mr. Carter to Mr. Frelinghuysen.	Oct. 18	Polynesia archipelagoes and islands: Proposed annexation of, by France and Great Britain; protest against, by Hawaii; copy of, inclosed; trust that the traditional policy of the United States will prompt an expression of its approval of the action of Hawaii.	574
347	Mr. Frelinghuysen to Mr. Carter.	Dec. 6	Polynesian archipelagoes and islands: Proposed annexation of, by France and Great Britain, and protest against by Hawaii; President of United States does not deem that the project calls for either opposition or support from the United States.	575

HAYTI.

		1883.		
348	Mr. Langston to Mr. Frelinghuysen (No. 513).	Jan. 19	Political: Depressed condition of industry and trade in Hayti; address by President Salomian, exhorting the people to the exercise of courage and patience to rescue the country from the effect of the fruitless rivalries now ruining the nation; early assembling of the Corps Legislatif will result in measures of improvement.	576
349	Same to same (No. 527).....	Mar. 12	Insurrectionary expedition against Hayti: Projected by Haytian exiles at Jamaica; objective point, northern part of the Republic; active military measures by the Government to anticipate and defend against.	577
350	Same to same (No. 537).....	Mar. 31	Capture of Miragoâne by the Haytian exiles: Measures taken by the Government to capture the rebels; hope of Hayti that United States consular agent and captains of vessels will not give protection to insurgents; correspondence with minister of foreign affairs inclosed.	577
351	Same to same (No. 542).....	Apr. 13	Rebellion in Hayti: Blockade of the port of Miragoâne by Haytian Government: Notice of, to United States; hope that the consideration exhibited by Hayti for foreign nations will be reciprocated: correspondence relative to, inclosed.	579

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
352	Mr. Langston to Mr. Frelinghuysen (No. 543).	Apr. 13	Rebellion in Hayti: Miragoâne: Bombardment of, to be commenced after the expiration of twenty-four hours of truce and refusal of the insurgents to surrender; correspondence with the foreign office relative to, inclosed.	580
353	Same to same (No. 544).....	Apr. 14	Rebellion in Hayti: Miragoâne: Siege of, progressing slowly; determined and well equipped defense of, by insurgents; investment of, by three thousand Government troops; while the delay in capture of, is deplored, its early capitulation is predicted.	582
354	Mr. Frelinghuysen to Mr. Langston (No. 201).	Apr. 17	Insurrectionary expedition against Hayti: Capture of Miragoâne by Haytian exiles; investigation as to the registry of the vessel conveying insurgents requested.	582
355	Mr. Langston to Mr. Frelinghuysen (No. 546).	Apr. 27	Rebellion in Hayti: Miragoâne: Siege of, still in progress; no definite advices as to real state of the parties to the contest; insurrection at Tron subdued; tranquillity throughout the country and confidence in the administration.	582
356	Same to same (No. 548	May 5	Rebellion in Hayti: Miragoâne still in possession of the insurgents; continued efforts of the Government to capture; prevalence of good order, and confidence in President Salomon; prompt action of United States in the case of the Tropic gives satisfaction to Hayti and has the moral effect of strengthening the administration.	583
357	Same to same (No. 551).....	May 17	Rebellion in Hayti: Miragoâne: Siege of; insurgents still successfully defy the Government; unsuccessful attempt of the diplomatic corps to effect a plan of capitulation; prospect of a general and decisive movement upon the insurgents.	583
358	Same to same (No. 558).....	May 30	Rebellion in Hayti: Revolt at Jéremie; Government forces en route from Miragoâne; insurrection at Caobas suppressed; attempt of the rebels to escape from Miragoâne defeated by national troops; public fear that a serious revolution is menacing the country.	585
359	Mr. Davis to Mr. Langston (No. 210).	June 4	Rebellion in Hayti: Capitulation attempted by the diplomatic corps; participation in, by Mr. Langston cannot be deemed as authorized by the United States.	586
360	Mr. Langston to Mr. Frelinghuysen (No. 560).	June 9	Rebellion in Hayti: Blockade of the port of Jéremie by Government: Notice of to and reliance upon the United States to extend to Hayti the measures that the circumstances require and international law prescribe.	587
361	Same to same (No. 568).....	June 11	Rebellion in Hayti: Miragoâne still in possession of the insurgents; great suffering and destruction of property in the city; Grand Anse and Tiburon districts in rebellion and demanding the abdication of President Salomon; these districts and Jéremie in a state of siege and Government troops preparing to attack; address of the President inspires confidence in his administration.	587
362	Same to same (No. 571).....	July 12	Rebellion in Hayti: Cause of the Government not improved; but little progress made in suppressing; general tranquillity in the country and confidence in the ultimate triumph of the Government; its need of funds and its appeal to the national bank and merchants for aid; insurgents still defiant, though those in Miragoâne are in great distress.	589
363	Same to same (No. 575).....	July 25	Rebellion in Hayti: Increase and spread of, throughout the Republic; district of Jacmel in arms against the Government; it and districts of Port-au-Prince and Léogane in state of siege; port of Jacmel blockaded; conference of diplomatic corps with President at his request; complaint against British and American consular officers.	591
364	Same to same (No. 577).....	Aug. 4	Rebellion in Hayti: Blockade of the port of Jacmel; notice of; order decreeing, sent to United States legation with request that United States will observe the rules pertinent to the situation prescribed by international law.	593

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
365	Mr. Langston to Mr. Frelinghuysen (No. 581).	Aug. 7	Rebellion in Hayti: Battle at Jacmel; Government's troops enter the city at heavy loss, and are afterwards driven out by the insurgents; execution of hostages held by the insurgents; proclamation of President, announcing determination to avenge the death of those citizens.	593
366	Same to same (No. 591)	Nov. 20	Rebellion in Hayti: Fire and pillage in Port-au-Prince; destruction of archives in foreign office; landing of troops from foreign war vessels; order restored under ultimatum of foreign representatives to bombard the national capital; claims of Americans resulting from destruction of property by the mob.	594

ITALY.

		1882.		
367	Mr. Richmond to Mr. Frelinghuysen (No. 16).	Nov. 4	Political: House of deputies, election of members of; the result a victory for the liberals; electoral law of 1882 establishes free suffrage for all male subjects who can read and write.	596
		1883.		
368	Mr. Astor to Mr. Frelinghuysen (No. 8).	Mar. 6	S. F. B. Morse, inventor of electric telegraphy: Sojourn of, in Rome commemorated by unveiling of a tablet; thanks for, of Americans conveyed to Italian Government.	597
369	Mr. Richmond to Mr. Frelinghuysen (No. 33).	Aug. 3	Earthquake on the island of Ischia: Destruction of property and loss of life in the towns of Lacco Ameno, Forio, and total devastation of Casamicciola; estimated loss of lives five thousand; prompt and efficient help to the sufferers by King and people of Italy.	598
370	Mr. Adee to Mr. Richmond (No. 34).	Aug. 20	Earthquake on the island of Ischia: His Majesty to be informed of the sympathy of the President and people of the United States with the relatives of those who suffered by that catastrophe.	599
371	Mr. Astor to Mr. Frelinghuysen (No. 42).	Sept. 30	Earthquake on the island of Ischia: Gratitude of the royal Government of Italy for expression of sympathy by President and people of the United States; copy of note from the foreign office relative to, inclosed.	600

JAPAN.

		1882.		
372	Mr. Bingham to Mr. Frelinghuysen (No. 1573).	Oct. 4	Suits by Americans in British consular courts in Japan: Requirement of British order in council that plaintiffs must file consent of their consul and security for cost deemed just on principles of mutual comity and on condition that the rights of British subjects to sue in American consular courts be exercised on the same terms.	600
373	Same to same (No. 1595).....	Nov. 29	Corea and Japan, treaty of friendship and commerce between: Report that Japan has remitted the $550,000 indemnity Corea promised to pay; copy of treaty inclosed.	602
		1883.		
374	Mr. Frelinghuysen to Mr. Bingham (No. 725).	Mar. 21	Simonoseki indemnity: Reimbursement of, to Japan; draft for $785,000 87 inclosed; satisfaction of the President in being enabled to carry out desire of the United States in this matter.	603
375	Mr. Bingham to Mr. Frelinghuysen (No. 1664).	Apr. 14	Corea: Schufeldt treaty with; the prompt ratification of, and sending of a minister to, give great satisfaction to Corea; action accepted as additional evidence of the policy of justice manifested by the United States towards eastern states of Asia.	603
376	Same to same (No. 1671)	Apr. 30	Simonoseki indemnity: Refund of, to Japan; draft for, received; note to foreign office stating the readiness of the minister to deliver the same, and expression of hope that Japan will accept the return of the fund as evidence of the continued friendly disposition of the United States.	604

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
377	Mr. Bingham to Mr. Frelinghuysen (No. 1677).	May 9	Simonoseki indemnity: Satisfaction of Japan at the spontaneous return of, by the United States; this is not only an additional proof of the friendly disposition of the United States, but a manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan.	605
378	Same to same (No. 1716) ...	July 30	Death of Iwakura Tomomi, junior prime minister of His Imperial Majesty: Honors to his memory by the legation.	607
379	Mr. Adee to Mr. Bingham (No. 766).	Aug. 31	Death of Iwakura Tomomi: Sympathy and condolence of the Government and people of the United States to the Government of Japan.	608
380	Mr. Bingham to Mr. Frelinghuysen (No. 1763).	Oct. 18	Treaty limits for Japanese in Corea: Copy of, inclosed.	609

LIBERIA.

		1882.		
381	Mr. Smyth to Mr. Frelinghuysen (No. 16).	Dec. 7	Political: Opening of the legislature; prominent features of the President's message; finance, revenue, the proposed loan and northwestern boundary dispute; bad state of feeling between Liberians and aborigines gradually giving place to better relations; while there is no defined public school system, there is a growing interest prevailing on the subject.	610
		1883.		
382	Same to same (No. 19)	Jan. 17	Political: Resignation of the Presidency of the Republic by Anthony W. Gardner; Vice-President succeeds; general peace among the native races and happy relations with foreign powers assure the tranquillity of the Republic, though on the eve of a Presidential election in May next.	615
383	Same to same (No. 28)	Apr. 2	Political relations between American Liberians and native races: Policy of the administration conciliatory, to the end of realizing the chief aim in founding the Republic, the elevation of the aborigines; proclamation by the President, Russell, embodying these sentiments.	616

MEXICO.

		1882.		
384	Mr. Morgan to Mr. Frelinghuysen (No. 513).	Oct. 10	Political: Constitution of Mexico, amendment of, in the mode of filling a vacancy in the office of President, and prescribing the requisites of eligibility for such office; copy of the amendment inclosed.	617
		1883.		
385	Mr. Davis to Mr. Morgan (No. 358).	Jan. 29	Detention of the American schooner Adriana by customs authorities at La Paz: Arrest and imprisonment of officers and crew; minister instructed to request an investigation, and release of officers and crew, reserving their right of indemnity; copy of dispatch from United States consul at La Paz relative to, inclosed.	619
386	Mr. Morgan to Mr. Frelinghuysen (No. 562).	Feb. 6	Detention of the Adriana by customs authorities at La Paz: Vessel and crew being proceeded against on charge of smuggling; harsh and unjustifiable treatment of Captain Caleb and crew by the officials; investigation proceeding in court of first instance; refusal of officials to allow Captain Caleb to communicate with the United States consul or an attorney, and forcing statements from him by duress; copy of dispatch from United States consul at La Paz, inclosed.	622
387	Mr. Frelinghuysen to Mr. Morgan (No. 369).	Feb. 15	Immigration laws of Mexico: Information relative to; frequency of requests for, by prospective emigrants from the United States; copies of correspondence between Dibrell, member of Congress, and Mr. Gibbs, making inquiries on the subject, inclosed; investigation and report by Mr. Morgan requested relative to.	624

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
388	Mr. Frelinghuysen to Mr. Morgan (No. 370).	Feb. 20	Detention of the Adriana: Refusal of officials to allow Captain Caleb to confer with the United States consul, and exacting declarations from him by duress to be used as evidence in the charge of smuggling; if persisted in will demand a remonstrance by the United States; minister to request copies of declarations; copy of dispatch No. 18, from United States consul at La Paz, inclosed.	625
389	Mr. Morgan to Mr. Frelinghuysen (No. 584).	Mar. 6	Seizure of the Adriana and imprisonment of the officers and crew: Instruction No. 358 received; minister of foreign affairs replying to, says the question of legality of seizure has been referred to the department of Hacienda; he is silent as to the release of the vessel and captain and crew.	629
390	Same to same (No. 597).....	Apr. 4	Political: Mexican Congress; chief features of President's message; public improvements and finance; while in the railroad and telegraph enterprises there appears to have been progress, the financial outlook for the Government is not so favorable; subsidies for railroad, telegraph, and immigration contracts, added to expense of a large standing army, have caused unusual expenditures.	630
391	Same to same (No. 602).....	Apr. 17	Seizure of the Adriana and trial of captain and crew on charge of smuggling: Captain Caleb's denial of the charge and statement of evidence by suborned witnesses; copy of Captain Caleb's letters relative thereto, inclosed; consul at La Paz directed to learn if bail has ever been allowed in such cases.	632
392	Same to same (telegram)....	Apr. 21	Seizure of the Adriana: Mr. Morgan is informed that Captain Caleb is sentenced to five years' imprisonment, the vessel confiscated, crew released, and the case appealed.	634
393	Same to same (No. 606).....	Apr. 25	Immigration laws of Mexico: Information relative to; report on, by Mr. Morgan, inclosed; detailed statement of the rights and obligations of immigrants, and inducements and disadvantages to immigration; recital of measures taken by Mexico to induce immigration by colonization.	635
394	Same to same (No. 611).....	May 6	Confiscation of the Adriana: Copy of the findings in the case of, inclosed.	644
395	Same to same (No. 612).....	May 8	Case of the Adriana: Sentence of Captain Caleb to five years' imprisonment; release of the crew; manifest injustice to Captain Caleb; copy of findings and dispatch from the consul at La Paz, inclosed.	646
396	Same to same (No. 614).....	May 9	Guatemala and Mexico, boundary dispute between: Copy of treaty for settlement of, inclosed; Guatemala renounces, and Mexico, in reciprocal spirit, accepts all territory of the State of Chiapas and its province of Soconusco; also all claim to indemnity therefor renounced by Guatemala.	648
397	Same to same (No. 625).....	May 23	Citizenship in Mexico: The purchase by a foreigner of real estate in, and failure to make simultaneous declaration of intention of native citizenship, makes him a Mexican; certificate of matriculation as a foreigner refused on that ground to W. J. Zuber.	651
398	Mr. Davis to Mr. Morgan (telegram).	May 25	Sentence of Captain Caleb in the Adriana case: Minister may apply for *amparo* and employ counsel in appellate proceedings to defend captain and vessel.	652
399	Same to same (No. 406).....	May 28	Guatemala and Mexico, boundary dispute between: Adjustment of, by treaty; copy of, inclosed.	652
400	Same to same (No. 408).....	May 28	Confiscation of the Adriana and sentence of Captain Caleb: President expects the fullest investigation as to the justice of the above sentence; Mr. Horatio N. Beach has been deputed to effect adjustment of, in conference with Mr. Morgan; if necessary, steps should be adopted to render appellate proceedings successful.	653

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
401	Mr. Morgan to Mr. Frelinghuysen (No. 637).	May 28	Citizenship in Mexico: Section 3 of Article XXX of Mexican constitution, as to effect of purchases by foreigners of real estate without simultaneous declaration of retention of original nationality, and decision of foreign office in Mr. Zuber's case, refusing certificate of matriculation, made the basis of circular for guidance of American residents in Mexico; copy of circular inclosed.	653
402	Same to same (No. 639).....	May 28	Agreement for reciprocal passage of troops across the boundary in pursuit of Indians: Continuance and amendment of; desire of Mexico that the negotiations be conducted in Mexico; final action cannot be had until meeting of Mexican Congress.	654
403	Same to same (No. 634).....	May 30	Confiscation of the Adriana and sentence of Captain Caleb: Consul at Mazatlan telegraphs that Captain Caleb has competent counsel in appellate court.	655
404	Same to same (No. 635).....	May 30	Incursions by Chiricahua Indians into Mexico: Prevention of, by confinement of Indians in Lower California; suggestion by General Fremont of an agreement between United States and Mexico to that end, in view of near expiration of the existing agreement for reciprocal passage of the troops of the respective Governments.	655
405	Same to same (No. 638).....	June 4	Confiscation of the Adriana and imprisonment of Captain Caleb: As Captain Caleb has competent counsel, offer of Señor Rubio to aid in procuring counsel declined.	656
406	Mr. Frelinghuysen to Mr. Morgan (telegram).	June 5	Agreement for reciprocal passage of troops across the frontier in pursuit of Indians: Extension of, for one year from August 18, 1883, may be concluded.	657
407	Mr. Morgan to Mr. Frelinghuysen (No. 642).	June 13	Confiscation of the Adriana and imprisonment of Captain Caleb: As *amparo* in Mexican jurisprudence is issued for protection against illegal proceedings of courts and officials, and competent counsel have been retained, nothing more can be done in case but await the result of appellate proceedings of the supreme court at Culiacan, state of Sinaloa.	657
408	Mr. Frelinghuysen to Mr. Morgan (No. 419).	June 16	Incursions of Chiricahua Indians into Mexico: Plans for the prevention of; Government not ready to act on General Fremont's plan as a matter of international policy; would be pleased to know the views of Mexico thereon.	658
409	Mr. Morgan to Mr. Frelinghuysen (No. 646).	June 19	Financial and diplomatic measures of the Mexican Congress: Appropriation for expense of legation at London; authorization of a settlement of the national debt; authorization of the President to contract a loan of twenty millions of dollars.	658
410	Same to same (No. 647).....	June 19	Financial: Settlement of the national debt; law of Mexican Congress authorizing; copy of, inclosed.	659
411	Mr. Frelinghuysen to Mr. Morgan (No. 421).	June 22	Confiscation of Adriana and imprisonment of Captain Caleb; courtesy of Señor Rubio in the above case reported in No. 638 is duly appreciated by the Department.	660
412	Mr. Davis to Mr. Morgan (No. 422).	June 23	Agreement for reciprocal passage of troops across the border in pursuit of Indians; spirit of, maintained by General Crook in his late expedition; copy of telegram inclosed.	660
413	Mr. Morgan to Mr. Frelinghuysen (No. 651).	June 29	Agreement for reciprocal passage of troops across the boundary in pursuit of Indians; extension of, for one year, entered into with minister of foreign affairs by consent of the Senate; copy of, inclosed.	662
414	Same to same (665).....	July 10	National debt of Mexico: Law enacted authorizing the President to consolidation and liquidation of, by issue of three per cent. interest bonds; objection of Spain on account of its conflict with terms of convention between her and Mexico; copy of law inclosed.	662
415	Mr. Davis to Mr. Morgan (No. 441).	Aug. 16	Confiscation of Adriana and imprisonment of Captain Caleb: Report of Mr. Beach of investigation of Captain Caleb's case for the information of Mr. Morgan inclosed; Mr. Galen will report direct to the Department.	667

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
416	Mr. Morgan to Mr. Frelinghuysen (No. 683).	Sept. 3	Confiscation of the Adriana and imprisonment of Captain Caleb for five years; circuit court at Culiacan has affirmed the sentence of the district court and the vessel will be sold; copy of dispatch No. 13 from United States consul at La Paz inclosed.	675
417	Same to same (No. 688)	Sept. 18	Political and financial: President's message to Mexican Congress inclosed.	675

CORRESPONDENCE WITH THE LEGATION OF MEXICO.

		1883.		
418	Mr. Romero to Mr. Frelinghuysen.	Jan. 20	Indian incursions across the border: Measures for the prevention of; copy of plan proposed to Mexican Government by Senate and Representatives of Mexico inclosed.	680
419	Same to same	Feb. 7	Raids into Sonora by Apaches: Incloses communication from consul at Tombstone reporting Indians from San Carlos are daily entering Sonora despite the United States forces.	683
420	Mr. Frelinghuysen to Mr. Romero.	Feb. 16	Indian raid into Sonora: Mexico's complaint has been referred to Secretaries of War and Interior, with request for the adoption of appropriate measures for the suppression of.	683
421	Same to same	Mar. 10	Indian raids into Sonora: Investigation of complaint by Interior Department; letter from, relative to, inclosed.	684
422	Mr. Romero to Mr. Frelinghuysen.	Mar. 11	Raid into Sonora by Apaches from San Carlos Reservation: Thanks for prompt action for investigation and prevention of.	684
423	Same to same	Mar. 22	Raids in Sonora by Apaches: Complains that Indians in small parties are leaving San Carlos Reservation for purpose of; asks that measures may be taken for preventing Indians from leaving the reservation.	685
424	Mr. Frelinghuysen to Mr. Romero.	Mar. 27	Indian raids into Sonora by Apaches from San Carlos Reservation: Secretary of Interior will take measures to check; Secretary of War requested to prevent Indians from quitting the reservation, and render all assistance to suppress.	685
425	Same to same	Apr. 9	Indian raids across the border: Measures for the prevention of; provisions in each Republic for the disarming of Indians; prevention of sale by them of booty would be a salutary plan.	686
426	Same to same	Apr. 10	Raids in Sonora by Indians from San Carlos Reservation: Complaint of, by Mexico; report on, by General Crook shows that no Apaches have left the reservation; that the raids are made by Chiricahua Indians from Mexico; suggests measures for their extermination.	687
427	Mr. Romero to Mr. Frelinghuysen.	Apr. 11	Indian incursions across the border: Prevention of, by preventing sale of booty by the raiders, either by an international agreement or by independent measures by each Government.	688
428	Mr. Frelinghuysen to Mr. Romero.	Apr. 16	Raids in Sonora by Indians from San Carlos Reservation: Complaint of, by Mexico; report of investigation by Commissioner of Indian Affairs confirms report of General Crook, that no Apaches have left said Reservation, and that the guilty parties are renegade Chiricahua Indians, whose subjugation or extermination the United States will co-operate with Mexico in effecting.	689
429	Same to same	Apr. 24	Reciprocal passage of troops across the border in pursuit of Indians: Suggests modification of agreement so as to obviate a literal compliance with, in emergencies; correspondence with Secretary of War relative to, inclosed.	690
430	Mr. Romero to Mr. Frelinghuysen.	Apr. 26	Reciprocal passage of troops across the border in pursuit of Indians: Proposed modification reported to Mexican Government pending additional information as to.	693

CORRESPONDENCE WITH THE LEGATION OF MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
431	Mr. Davis to Mr. Romero...	May 7	Reciprocal passage of troops in pursuit of Indians: Modification of agreement proposed 24th ultimo to protocol extending time of agreement one year; requests that Mexico consent to signing of such protocol; communication from War Department relative to, inclosed.	693
432	Mr. Cayetano Romero to Mr. Davis.	May 8	Reciprocal passage of troops across the border in pursuit of Indians: Mexican legation has telegraphed its Government for authority to sign protocol of prolongation of agreement.	694
433	Same to same.....	May 9	Reciprocal passage of troops across the border in pursuit of Indians: Extension of agreement for, should be negotiated in Mexico.	695
434	Mr. Frelinghuysen to Mr. Cayetano Romero.	June 7	Reciprocal passage of troops across the border in pursuit of Indians: United States understand that privilege accorded by, ceases after August 18, 1883, unless prolonged by the two Governments.	696
435	Mr. Davis to Mr. Cayetano Romero.	June 23	Reciprocal passage of troops across the border in pursuit of Indians: Zealous observance of agreement by General Crook, U. S. A.; letter from War Department inclosed.	696
436	Mr. Cayetano Romero to Mr. Davis.	June 24	General Crook's Indian campaign in Mexico: Agreement of July 29, 1882, authorizing; thanks that the stipulations of agreement were strictly observed; hopes severe measures may be adopted against the Indians captured.	697
437	Same to same.....	Aug. 16	Indian raids across the border: Agreement for reciprocal passage of troops to be so modified as to authorize captors of Indians to restore booty in hands of prisoners to the lawful owners.	697
438	Mr. Frelinghuysen to Mr. Cayetano Romero.	Sept. 15	Lawless incursions across the Rio Grande: Measures for the prevention of; the rigid enforcing of existing laws of the border States and Territories, supplemented by mounted police on both sides, would be effective.	698
439	Same to same.....	Sept. 15	Indian incursions across the border: Suggested arrangement for restoration to Mexican owners of property captured with the Chiricahuas will be duly considered by United States.	699
440	Same to same.....	Oct. 24	Indian incursions across the border: Impracticability of effecting a restoration to owners of property captured by General Crook; letter relative to, from War Department, inclosed.	699
441	Mr. Cayetano Romero to Mr. Frelinghuysen.	Oct. 25	Indian incursions across the border: Agreement for prevention of; objection to plan restoring to owners booty in possession of raiders when captured reported to Mexican Government.	701

PERSIA.

		1883.		
442	Mr. Benjamin to Mr. Frelinghuysen (No. 10).	June 13	Diplomatic relations: Presentation and reception of Mr. Benjamin as minister resident of the United States; ceremony and especial honor paid the United States.	702

PERU.

		1882.		
443	Mr. Frelinghuysen to Mr. Partridge (No. 5).	June 26	Chili, Peru and Bolivia war: Peace may be effected through the Montero Government; United States desire that Peru save all of its territory consistent with Chili's just demands; if Peru will treat on basis of cession of territory, Montero to be informed that United States will try to obtain from Chili the most favorable terms; Mr. Logan and Mr. Partridge to work in unison.	707
444	Same to same (No. 28).....	Feb. 1	Sale of guano of Peru by the Chilian Government: Decree of Montero government contesting legality of, and determination to disregard the rights of creditor purchasers under; Montero to be notified that in so far as decree relates to rights of citizens of the United States it will not be accepted as valid	708

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
445	Mr. Frelinghuysen to Mr. Phelps (No. 6).	July 26	Chili, Peru and Bolivia war: Policy of the United States reviewed; no desire to dictate, but with its friendly counsel to aid in effecting peace upon such basis as will save the autonomy of Peru and secure Chili just indemnity; co-operation with the ministers of the United States in Chili and Bolivia, and report on the situation of affairs, to enable the Department to determine if the Iglesias government should be recognized.	709
446	Same to same (No. 8)	Aug. 25	Peace question: Treaty of peace between Chili and Iglesias; copy of dispatch covering text of protocol inclosed; objections to; if Chili appropriates resources of Peru, it should recognize the obligations resting upon those resources; if Chili would offer better terms to Peru the United States would regard it as a friendly recognition of the earnestness which this Government has manifested to bring about a just and honorable end to the war.	711
447	Mr. Phelps to Mr. Frelinghuysen (No. 2).	Sept. 2	Peace question: Iglesias government growing in favor; Chili supporting it as a means of securing peace; defeat by Chilians of Caceres to same end; Montero watched by Chili; want of national sentiment in Peruvians.	712
448	Same to same (No. 4)	Sept. 13	Peace question: Unimportant engagements between forces of Iglesias and Montero; Iglesias continues to make progress, being supported by Chili; Montero government offers no guaranty entitling it to recognition.	713
449	Same to same (No. 5)	Sept. 23	Peace question: Iglesias government will probably be installed; its duration after departure of Chilian troops doubtful; while it is not so popular as it was, still Montero government does not merit recognition.	714
450	Same to same (No. 6)	Sept. 21	Peace negotiations: Treaty of, made by Mr. Novoa and General Iglesias; copy of, received from Department.	716
451	Same to same (No. 9)	Oct. 3	Peace question: Probable recognition of the Iglesias government; preparations for; question of, discussed; better classes of Peruvians in favor of it; report conversation with Chilian minister of foreign affairs; United States objection to Iglesia's views on the debt clauses of protocol.	717
452	Same to same (No. 11)	Oct. 4	Peace negotiations: Lima and Callao to be evacuated by Chilians and surrendered to Iglesias.	721
453	Same to same (No. 14)	Oct. 13	Peace question: Difficulties in way of installation of Iglesias government; attitude of Bolivia reported.	721
454	Same to same (telegram)....	Oct. 21	Chili, Peru, and Bolivia war: Treaty of peace signed; Chili, through foreign office, recognizes Iglesias government.	723
455	Same to same (No. 18)	Oct. 23	Chili, Peru, and Bolivia war: Treaty of peace signed; evacuation of Lima; entry of Iglesias in the national palace; copy of a letter of Mr. Norova relative to, inclosed.	723
456	Same to same (No. 20)	Oct. 23	Iglesias government: Reasons why United States should delay recognition of; the attitude of Bolivia and Montero.	723
457	Same to same (No. 21)	Oct. 24	Political: Arrival in Lima of Iglesias; enthusiasm and rejoicing in the city; copy of the treaty not yet received.	724
458	Same to same (No. 25)	Oct. 30	Iglesias government: Circular of foreign office giving history of the establishment of, and inviting recognition of, inclosed.	724
459	Same to same (No. 32)	Nov. 13	Iglesias government: Recognition of, by the United States should be accorded whenever the popular departments have declared for it; general quiet in Lima.	726
460	Mr. Frelinghuysen to Mr. Phelps (No. 18).	Nov. 15	Iglesias government: Recognition of, by the United States should be deferred until after meeting of the Assembly; if it shall be duly constituted and shall be recognized by the Iglesias government the United States will also recognize; meanwhile good relations with Iglesias should be cultivated.	727
461	Mr. Phelps to Mr. Frelinghuysen (No. 34).	Nov. 22	Iglesias government: No change in affairs outside of Lima; uprising of the Indians in the interior; uncertainty of the most populace departments of Peru.	729

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
462	Mr. Phelps to Mr Frelinghuysen.	Dec. 3	Iglesias government: Its situation still unsettled; rumor that Caceres will not submit to it.	729
463	Same to same (No. 42).....	Dec. 23	Chili and Peru: Treaty of peace and supplemental protocol inclosed.	730
464	Same to same (No. 43).....	Dec. 23	Iglesias government: Caceres still maintains his opposition to; publication of the treaty had depressing effect in Lima.	733

PORTUGAL.

		1883.		
465	Mr. Francis to Mr. Frelinghuysen (No. 23).	Jan. 8	Financial: Budget for fiscal year shows a deficit, but an improvement on former years; statement of, inclosed.	734
466	Same to same (No. 25).....	Jan. 18	Floating debt of Portugal: Increased indebtedness during 1882; how the money has been expended; railways constructed; material improvement and prosperity of the kingdom.	736
467	Same to same (No. 40)	Mar. 13	Proposed political reforms in Portugal: Communication presented to the Cortes by Señor Fontes, president of the council of ministers, advocating certain changes in the legislative, executive, and electoral laws.	736
468	Same to same (No. 59).....	May 12	Financial: Financial condition of the reigning dynasty past and present; favorable loan made for payment of pressing indebtedness on Royal securities; political significance of the facility with which this loan was obtained.	738
469	Same to same (No. 60).....	May 15	French occupation of Loando and Ponta Negra: Details of the landing of French forces; they claim possession and establish authority; Portuguese and natives protest; Portuguese influence and commercial interests paramount. Congo question of international importance; argument in behalf of Portuguese claim; opinion of British minister respecting pending treaty negotiations between Great Britain and Portugal on the subject.	739
470	Same to same (No. 70).....	June 22	Political: Proposed amendment to the constitution to be acted on at a special session of the Cortes; object is the reorganization of the House of Peers, and verification of the powers of the members of the Chambers of Deputies; avowed object is the limitation upon the exercise of royal prerogative of creation of peers, conformably to the liberal ideas of the kingdom.	742

RUSSIA.

		1883.		
471	Mr. Hunt to Mr. Frelinghuysen (No. 55).	June 22	Alexander III, coronation of: Description of the ceremonies of; participation in by Mr. Hunt and Admiral Baldwin, United States Navy; correspondence relative to, inclosed.	743

CORRESPONDENCE WITH THE LEGATION OF SALVADOR.

		1883.		
472	Mr. Batres to Mr. Frelinghuysen.	May 15	Seizure of American schooner Ounalaska at Acajutla: Charged with conveying arms to the insurgents by means of fraudulent papers; court of Salvador engaged in determining if vessel is lawful prize; telegraph relative to, inclosed.	746
473	Mr. Davis to Mr. Batres ...	May 19	Seizure of the Ounalaska: United States minister to Central America has been instructed to watch proceedings; United States relies on the action of the courts in the case being conformable to the cordial relations existing between the countries.	746

CORRESPONDENCE WITH THE LEGATION OF SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
474	Mr. Batres to Mr. Frelinghuysen.	June 4	Seizure of the Ounalaska: Arms were shipped from San Francisco for the insurgents by means of fictitious papers as if intended for Guayaquil; captain and crew released and returned to United States at expense of Salvador; question as to whether the vessel is lawful prize pending in the supreme court; documents relative to inclosed.	747
475	Mr. Frelinghuysen to Mr. Batres.	June 5	Seizure of the Ounalaska: Thanks of the United States for the generous action of Salvador in its treatment of the captain and crew; vessel has been placed at the disposal of United States minister, who will send her to San Francisco for trial if the property of United States citizens; if not, United States protection will be withdrawn.	748
476	Mr. Batres to Mr. Frelinghuysen.	June 28	Seizure of the Ounalaska: By order of Salvador is placed at disposal of the United States in token of special regard of former for the latter.	749
477	Same to same	July 24	Seizure of the Ounalaska: Papers inclosed criminating one F. Gutte in the furnishing of arms to the insurgents, and showing the carelessness of customs officials at San Francisco; request that appropriate measures be taken for the punishment of Gutte for violating laws of neutrality.	749
478	Mr. Adee to Mr. Batres	Aug. 11	Seizure of the Ounalaska: Charge against F. Gutte for violation of neutrality; papers in the case have been referred to the Attorney-General of the United States.	751

SIAM.

		1882.		
479	Mr. Halderman to Mr. Frelinghuysen (No. 7).	Oct. 24	Reception of minister by King of Siam: Ceremonies attendant upon of a very cordial and distinguished nature; description of procession, court, and proceedings; address of minister and reply of King.	751
480	Same to same (No. 11)	Nov. 10	Ship-canal through Isthmus of Kraw: Projectors of, and their earnestness; position of the isthmus; plans; natural difficulties; application for concession; caution of Siamese; prospects of success; position of Great Britain.	753
481	Same to same (No. 13)	Nov. 17	Relations between Burmah and British India: Proposed treaty between them; its collapse, and reasons assigned therefor; presumed policy of Great Britain; journalistic comments; geographical and political position of Burmah; visit of a Burmese prince to Siam; rumored plans for the future.	754
		1883.		
482	Same to same (No. 20)	Jan. 16	Ship-canal through Isthmus of Kraw: Arrival of French engineers at Bangkok, and their departure for the proposed site of the undertaking, to make preliminary surveys. No concession for the work thus far granted by Siamese Government.	755
483	Same to same (No. 27)	Mar. 15	The French in Tonquin: Arrival of French troops at Haiphong; withdrawal of Chinese forces from Tonquin; difficulties on the Song-Koi; extract from Hong-Kong journal.	756
484	Same to same (No. 30)	April 30	Official visit to Tuluban: Reception by the Rajah; desire for a public presentation of the gifts of the United States Government; the ceremony of presentation; banquet; visits to Singora and Champon; the King's interest; good results of mission; extracts from local journal concerning presentation ceremony.	757
485	Same to same (No. 53)	Aug. 20	Isthmus of Kraw: Project of a ship-canal will probably fail; survey by French engineers completed.	759
486	Same to same (No. 63)	Oct. 8	Annam and France: Treaty of peace between, inclosed.	759

SPAIN.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
487	Mr. Reed to Mr. Frelinghuysen (No. 150).	Dec. 18	Consular tariff of Spain: Protest of legation against the charge of 40 cents on cattle and 10 cents per ton on cargoes from United States; early answer to, promised; on similar shipments from European ports the charge is just one-half of that charged in United States.	763
		1883.		
488	Mr. Frelinghuysen to Mr. Reed (No. 126).	Jan. 11	Consular tariff of Spain: Action of legation in this matter approved; Department's instruction No. 111 should be adhered to.	764
489	Same to same (No. 127)	Jan. 12	Consular tariff of Spain: Export tax by Spanish consul in United States on shipment of cattle to Porto Rico and Cuba; copy of reports of Secretary of Treasury showing amount of, inclosed	764
490	Mr. Reed to Mr. Frelinghuysen (No. 160).	Jan. 29	Consular tariff of Spain: Vigorous demands by legation for modification of; answer delayed; foreign office promises reply this week; retaliation suggested.	768
491	Same to same (No. 173)	Feb. 28	American pork: Rumored deaths in Malaga from eating of; prompt action of United States legation in anticipation of action by Spain looking to prohibition of importation of, favorably received by Spain.	769
492	Mr. Frelinghuysen to Mr. Reed (No. 150).	Apr. 12	American pork: Alleged cause of death in Malaga; action of legation relative to, approved; all such cases are doubtless false.	770
493	Same to same (No. 151)	Apr. 14	Consular tariff of Spain: Onerous charges on exports; retaliatory measures proposed in Congress failed to pass; remonstrance to be urged upon Spain.	771
494	Mr. Reed to Mr. Frelinghuysen (No. 197).	Apr. 28	Commercial treaty between United States and Spain: The present a favorable time to effect this, since signing of one by Mexico and Spain.	771
495	Mr. Frelinghuysen to Mr. Foster (No. 2).	May 3	Embargoed estates of United States citizens in Cuba: Restoration of, to owners to be applied for; indemnity for stores seized; argument in support of.	773
496	Mr. Reed to Mr. Frelinghuysen (No. 221).	May 28	Consular tariff of Spain: Onerous tax on cattle shipped from Key West to Havana; Spain, in answer to protest by the shipper, proposes to modify the tariff, making fee collectible at destination; admits the injustice of the charge in McKay's case, but is silent as to refund of.	776
497	Mr. Davis to Mr. Foster (No. 24).	June 23	Consular tariff of Spain: Unjust tax on cattle from Key West; answer of Spain to protest not satisfactory; making it collectible in Spanish jurisdiction is not a modification, it is still objectionable as an export levied in foreign country; return should be made to Mr. McKay of fees exacted at Key West.	779
498	Mr. Foster to Mr. Frelinghuysen (No. 14).	July 12	Embargoed estates of United States citizens in Cuba: Note to foreign office treating of the responsibility by Spain for the return of, and damages resulting from; idea that such claims were disposed of by the late commission refuted; copy of correspondence inclosed.	781
499	Same to same (No. 35).....	July 18	Right of residence in Cuba of foreign negroes: Revocation of order prohibiting same; copy of note of Liberian minister announcing same inclosed.	785
500	Same to same (No. 40).....	July 23	American pork in Spain: Corrects report of prohibition of importation of; only regulation is one requiring inspection and destruction of, where infected with trichinæ.	786
501	Same to same (No. 50).....	July 31	Trade with Cuba: Extracts from budget recently adopted for Cuba; attention called to part relating to American commerce; appointment of Ignacio María del Castillo, governor-general of Cuba.	787
502	Same to same (No. 52).....	Aug. 1	Embargoed estates of United States citizens in Cuba: Spain not inclined to discuss the question; still insists that such claims were settled by the late commission; refers to Art. VIII of protocol extending commission.	788
503	Mr. Frelinghuysen to Mr. Foster (No. 57).	Aug. 14	Embargoed estates of United States citizens in Cuba: Action of Mr. Foster approved, especially of the separate cases as presented.	789

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1868.		
504	Mr. Foster to Mr. Frelinghuysen (No. 62).	Aug. 22	Insurrectionary movement in Spain: Seizure of military posts by insurgents at Badajoz, Santo Domingo, and Urgel; attempt to proclaim a republic; prompt action of the Government; failure of the rebels to follow up their temporary victory; the failure of the movement shows that the sentiment of the country is opposed to any revolutionary change in existing order of affairs.	789
505	Mr. Hunter to Mr. Foster (No. 74).	Sept. 18	Consular tariff of Spain: Unjust charges under, by consul at Key West; copies of letter and protest supporting charges inclosed.	791
506	Mr. Davis to Mr. Foster (No. 83).	Sept. 23	Consular tariff of Spain: Unjust charges under, by Spanish consul at Key West; copies of additional protest inclosed.	793
507	Mr. Foster to Mr. Frelinghuysen (No. 96).	Oct. 29	Consular tariff of Spain: Note to minister of state urging the adoption of prompt steps to stop further levying of export tax, and a refunding of fees illegally collected in all cases; copy of the note inclosed.	795
508	Same to same (No. 101).....	Nov. 13	Commercial treaty with the United States: Action of Geographical Congress in favor of, as also the Cuban deputies in the Cortes.	796
509	Same to same (No. 102).....	Nov. 15	Embargoed estates of United States citizens in Cuba: Reply of minister of state, in which a full answer is promised; his designation of, as new claims, corrected; copy of, inclosed.	796

SWITZERLAND.

		1882.		
510	Mr. Cramer to Mr. Frelinghuysen (No. 18).	Nov. 16	Assisted emigration to the United States: Repeated violations of the emigration laws by local officials; shipment of Conrad Hort, a pauper, by town of Woelflinswyl to save expense of his maintenance; protest, and demand for punishment of the guilty parties.	800
511	Same to same (No. 20).....	Nov. 18	Emigration from Europe to the United States: Continuance and increase of; while resulting in much benefit to the country, still their indisposition to assimilate with republican institutions presents a serious problem for America; measures to effect this suggested through appeal to the religious element of the emigrant mind and systematic missionary work.	801
512	Same to same (No. 23).....	Dec. 5	Public instruction law of 1848: Article 27 of the constitution providing for compulsory education and freedom of faith in public schools; law to carry the article into operation enacted by Federal Council ratified by a vote of the people; the discussion growing out of it between the conservatives and liberals resolved itself into a question of the sovereignty of the cantons, and the elimination of religious instruction in the public schools.	804
513	Mr. Frelinghuysen to Mr. Cramer (No. 16).	Dec. 6	Assisted emigration to United States: Shipment of a pauper and drunkard; protest of minister to the Swiss Confederation approved.	805
		1883.		
514	Mr. Cramer to Mr. Frelinghuysen (No. 33).	Jan. 23	Assisted emigration to the United States; case of a pauper sent from Woelflinswyl; the authorities insist that the man was not objectionable and that there was no violation of the law; correspondence controverting such explanation inclosed.	806
515	Mr. Frelinghuysen to Mr. Cramer (No. 24).	Feb. 15	Assisted emigration to the United States: While the charge of Hort being a pauper may not be established, still Switzerland should be impressed that United States objects to assisted emigration of objectionable emigrants.	807
516	Mr. Cramer to Mr. Frelinghuysen (No. 68).	July 5	Assisted emigration to United States: Shipment of deaf and dumb from town asylum; protest against, by the legation; copy of, inclosed.	808
517	Mr. Frelinghuysen to Mr. Cramer (No. 59).	Oct. 18	Assisted emigration to the United States: Copy of letter from Secretary of Treasury relative to, inclosed.	809

TURKEY.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
518	Mr. Wallace to Mr. Frelinghuysen (No. 126).	Sept. 28	Right of American citizens in Turkey to convey real estate: Case of Alexander Sidi; authorities refuse to transfer his real property in his name or that of his sons (the latter native-born Americans), on the ground that he was of Ottoman birth; property in his name to become vacant property after his death; Turkish Government requested to permit the transfer of property to the sons, and to give a statement of the law by which the father is denied the right.	809
519	Same to same (No. 134).....	Oct. 15	Case of Dr. Frederick L. Kingsbury: Indicted under the Bulgarian law for practicing medicine without a license from the medical council of Sofia; his efforts to procure such license, and evident reluctance of Bulgarian authorities to grant it, although he proved his capabilities to practice medicine. The question of Bulgaria's relations to Turkey.	812
520	Mr. Frelinghuysen to Mr. Wallace (No. 27).	Oct. 26	Rights of Americans to convey real estate in Turkey: The protocol and the law of August 11, 1874, are integral parts of President's proclamation of October 29, 1874; the omission in the protocol to refer to any particular clause of the law does not preclude United States from demanding privileges for benefit of Ottoman naturalized.	815
521	Same to same (No. 33).....	Nov. 16	Case of Dr. Kingsbury: Indicted in Bulgaria for practicing without license; his rights should be assured by existing treaty and demand of treatment of the most favored nation; thanks to British minister for his courtesy.	815
522	Mr. Heap to Mr. Frelinghuysen (No. 147).	Dec. 2	Imprisoned Greeks at Janina: Release of, through offices of Minister Wallace.	816
523	Same to same (No. 148).....	Dec. 3	Case of Dr. Frederick L. Kingsbury: His difficulties with Bulgarian authorities satisfactorily arranged, and permission granted him to practice medicine.	817
524	Mr. Wallace to Mr. Frelinghuysen (No. 158).	Dec. 25	Release of six Greeks imprisoned at Stamboul: Through the intercession of the United States minister the Sultan causes their release; expressions of gratitude to the minister and friendship to his Government by the Greek Syllogos.	817
		1883.		
525	Same to same (No. 159)	Jan. 1	American alcohols in Turkey: Customs tax on; largely in excess of the treaty provision; claim of Turkey that it is a tax on the manufacture of alcoholic drinks and that importers willingly pay it; denial of United States minister of these statements, and notice of Turkey called to provisions of the treaty of 1862.	819
526	Same to same (No. 160)	Jan. 3	Right of American citizens in Turkey to convey real estate: Case of Mr. Alexander Sidi and sons; action of the Sublime Porte contested.	821
527	Mr. Frelinghuysen to Mr. Wallace (No. 42).	Jan. 16	Concession for storage of petroleum: The charge under, besides being exorbitant, is a discrimination in favor of Russian product; urge upon Turkey the modification of this concession; copy of communication of from Senator Camden relative to, inclosed.	822
528	Mr. Wallace to Mr. Frelinghuysen (No. 166).	Jan. 18	American Bible Society: Decision of Turkish Government to affix a seal to volumes examined by the authorities; objections of the Bible Society to the plan; impracticability of bringing together all books now on sale in the interior for the purpose of affixing the seal; heavy losses entailed thereby on the book trade; modifications of plan suggested to Turkish Government.	824
529	Same to same (No. 168)	Jan. 25	Attack upon the house of Rev. Mr. Cole, of Erzingan: Call upon authorities for prosecution of the Americans who took part in the outrage; reply of the minister of foreign affairs.	828
530	Same to same (No. 169)	Jan. 25	Concession for storage of petroleum: Its disadvantage to American shippers; communication from merchants of Constantinople protesting against the concession; minister's protest and appeal to Turkish minister of foreign affairs.	829
531	Mr. Davis to Mr. Wallace (No. 47).	Jan. 29	Imprisoned Greeks at Janina: Release of, at the intercession of Mr. Wallace; satisfaction of United States at this manifestation on part of Turkey.	831

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
532	Mr. Davis to Mr. Wallace (No. 49).	Jan. 30	American alcohol in Turkey: The subjection of, to any internal-revenue charge after it has paid the tariff import duty until it has been changed by manufacture is contrary to the treaty engagements; Mr. Wallace's action reported in his No. 159 approved.	832
533	Mr. Frelinghuysen to Mr. Wallace (No. 52).	Feb. 12	American Bible Society: Proposition of Turkey to affix seals upon unobjectionable books; minister's objections to the plan, and declining to appoint a delegate for that purpose, approved.	832
534	Mr. Wallace to Mr. Frelinghuysen (No. 175).	Feb. 13	Right of American citizens in Turkey to convey real estate: Case of Mr. Alexander Sidi; right conceded to his sons, but denied him, because he was an Ottoman subject, born in Smyrna. Further appeal in Mr. Alexander Sidi's behalf by U. S. minister.	833
535	Same to same (No. 178).....	Feb. 20	Concession for storage of petroleum: Suspension of the same at the instance of the United States minister.	834
536	Mr. Frelinghuysen to Mr. Wallace (No. 55).	Feb. 27	Outrage upon Mr. Cole, an American missionary: Attack on his residence by a mob; prompt action of legation to secure punishment of the offenders approved.	835
537	Same to same (No. 56).....	Feb. 28	Concession for storage of petroleum; Onerous character of; minister's action in protesting against, approved.	835
538	Mr. Wallace to Mr. Frelinghuysen (No. 189).	Mar. 14	Commercial treaty of 1862: Turkey gives notice of desire for termination of; also of basis of a new treaty; thereby import duties would be increased to 20 per cent. ad valorem; treaties with other powers cannot be abrogated for some time, whereby duties as to them will remain at 8 per cent.; copies of notes of the minister for foreign affairs covering these matters inclosed.	836
539	Same to same (No. 205).....	Apr. 12	American Bible Society: Plan proposed by Turkish minister of public instruction to prevent seizures, &c., of its books, by attaching a seal to such volumes as have been inspected and found satisfactory; difficulty of affixing this seal to the volumes already distributed and for sale in the interior of the empire shown as an objection to this plan.	837
540	Same to same (No. 211).....	May 1	Attack upon the house of Rev. Mr. Cole, of Erzingen: Explanation of the failure of justice in the case; denunciation of the one-sided proceedings thus far taken, and an appeal for justice.	839
541	Mr. Davis to Mr. Wallace (No. 79).	May 8	American Bible Society: Proposed measures of Turkey for prevention of the seizures of the books of; protest of Mr. Wallace against, approved by the Department.	839
542	Mr. Wallace to Mr. Frelinghuysen (No. 218).	May 15	Permit to print the Bible and New Testament in Arabic characters: Application for the same by Americans and British; *note verbale* from the Sublime Porte granting the permit on condition that the words "For the use of Protestants" be printed on the cover and first page of each volume.	840
543	Same to same (No. 219).....	May 19	Tariff between Turkey and the United States: Notice from the Sublime Porte that the tariff ceased to have force as a law on the 13th of March last, and that the Government had decided to collect 8 per cent. dues ad valorem on merchandise imported until a new arrangement is effected; objections of United States minister that tariff can only expire at the same time as the commercial treaty.	841
544	Same to same (No. 220).....	May 22	Petroleum concession: Council of state declines to comply with request of Roumania, Russia, and America for suspension of; application will at once be made directly to the Sultan for relief.	842
545	Same to same (No. 222)	May 23	Tariff between Turkey and the United States: Notice of appointment of delegates for its revision on the part of Turkey; request that the United States delegate be appointed; British chargé's views on the subject of tariff revision between Turkey and his government.	843
546	Same to same (No. 225)	May 29	Concession for storage of petroleum in Constantinople: Turkish minister of foreign affairs sustains it against appeal of United States, Russian, and Roumanian Governments, on the grounds of prevention of danger and of public utility.	844

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
547	Mr. Wallace to Mr. Frelinghuysen (No. 227).	June 4	Concession for storage of petroleum in Constantinople: Minister's note to the Sultan, appealing against the grant to Sami Bey of the privileges of (1) establishing depots on the upper Bosporus for the storage of petroleum imported into Constantinople, and (2) of collecting charges for such storage, on the ground that commerce in the article mentioned is in danger of ruin, for the exclusive benefit of a private person.	845
548	Same to same (No. 229)	June 8	Revision of the commercial treaty of 1862 with Turkey: Desire of Government for a revision that will not place the United States at a disadvantage, compared with other nations, in its relations with Turkey; revision desired to take effect when similar engagements with other powers shall become operative.	848
549	Same to same (No. 233)	June 13	American Bible Society: Permit to print the Bible and New Testament in Arabic characters; agreement between United States minister and Her Majesty's chargé d'affaires to send an identic *note verbale* to the Sublime Porte, objecting to the condition under which the permit was given, viz, that the words "For the use of Protestants" be printed on the cover and first page of each copy.	849
550	Mr. Frelinghuysen to Mr. Wallace (No. 88).	June 14	Concession for the storage of petroleum: Decision of the council of state conflicts with the international engagement of Turkey; trusts that the intercession with the Sultan may secure a modification of; views of the Russian and Roumanian ministers on the subject requested.	849
551	Same to same (No. 89)	June 14	Commercial treaty of 1862: Must be considered in force, subject to question as to date when the denunciation becomes effective; minister's protest relative to, approved.	850
552	Same to same (No. 90)	June 14	Commercial treaty of 1862: Revision of the tariff of; designation of Consul-General Heap as commissioner on part of the United States; his action not to be binding until approved by this Government.	850
553	Mr. Wallace to Mr. Frelinghuysen (No. 234).	June 18	Attempted murder of Rev. Mr. Knapp and Dr. Reynolds, American missionaries: Letter from the latter to Mr. Wallace, giving a narrative of the robbery and attempted murder of the missionaries named by three Koords, with an account of their sufferings and final escape; apathy of the authorities; interest of the British consul.	850
554	Same to same (No. 235)	June 19	Arrest and imprisonment of American Dr. Pfaum: An unjustifiable outrage and disregard of treaty rights; satisfaction and indemnity therefor demanded by the legation; correspondence relative to, inclosed.	853
555	Mr. Frelinghuysen to Mr. Wallace (No. 92).	June 22	Missionary troubles; assault upon G. C. Knapp and G. C. Raynolds; investigation of, and report on, requested; copy of a letter from American Board of Commissioners for Foreign Missions in relation to, inclosed.	864
556	Mr. Wallace to Mr. Frelinghuysen (No. 241).	June 30	Petroleum storage concession: Minister of interior's promise of modification of, to the *statu quo ante*; this change due to legation's direct recourse to the Sultan.	865
557	Same to same (No. 243).....	July 10	Commercial treaty of 1862: Turkey accepts 5th June, 1883, as starting point of twenty-first terminal year; Department's views as to revision of tariff clause will be submitted as a compromise and will probably be accepted; copy of note from foreign office inclosed.	865
558	Mr. Davis to Mr. Wallace (No. 100).	July 10	Assault upon and robbery of Messrs. Knapp and Raynolds by Koords; prompt action of legation approved; hope that the offenders will be punished; thanks of Department to Mr. Wyndham, Her Majesty's representative, for courteous assistance in this matter.	866
559	Mr. Wallace to Mr. Frelinghuysen (No. 245).	July 12	Commercial treaty: Revision of, and of customs tariff; incloses copy of note to foreign office to the effect that as treaty was in its fourth year it is beyond revision or alteration except by common consent; and that United States will agree on the revision of the tariff clauses.	867

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
560	Mr. Wallace to Mr. Frelinghuysen (No. 251).	July 20	Commercial treaty: Decision as to revision of, delayed by reason of religious rites; expedient that United States wait until other powers have acted on question.	870
561	Same to same (No. 255).....	July 26	Missionary troubles at Shockmazman: Refusal of governor-general of Adana to reply to complaint by United States consul; remonstrance by legation; the ejected missionaries will probably be returned; correspondence inclosed.	871
562	Mr. Frelinghuysen to Mr. Wallace (No. 109).	July 27	Outrage upon Dr. Pflaum, citizen of United States: Action of legation in demanding indemnity, and dismissal of offending officials, approved.	873
563	Mr. Wallace to Mr. Frelinghuysen (No. 258).	July 31	Petroleum storage concession: Sublime Porte's declination of responsibility for dues paid under; objections of legation; co-operation of Russia in; correspondence in relation to, inclosed.	874
564	Mr. Frelinghuysen to Mr. Wallace (No. 115).	Aug. 9	Commercial treaty; although a fourth period of seven years has begun, the United States favor such a revision of the tariff clause as to bring their engagement with Turkey in harmony with her like engagements with other powers.	876
565	Mr. Wallace to Mr. Frelinghuysen (No. 262).	Aug. 10	Petroleum storage, monopoly of dues for: Exorbitant fees paid by Meissner, Ackermann & Co.; protest against, and demand for refund of, delayed for instruction from the Department.	877
566	Same to same (No. 264).....	Aug. 14	American Bible House in Constantinople: Arrangement made to prevent future seizure of Bibles by the authorities.	878
567	Same to same (No. 266).....	Aug. 14	Concession for the storage of petroleum: To be investigated and reported on by a commission designated by council of state; Mr. Heap to represent the legation before the commission.	878
568	Same to same (No. 267).....	Aug. 22	Outrage upon Dr. Pflaum, a citizen of the United States: Additional correspondence relative to, inclosed.	879
569	Mr. Frelinghuysen to Mr. Wallace (No. 123).	Aug. 31	Concession for storage of petroleum: Responsibility for dues paid under, declined by Turkey, as the alleged non-liability is based on her claim of right to make the concession itself, which is denied by the United States, who insist on Turkey's obligation to refund such dues; request to be made *pro forma*.	880
570	Mr. Wallace to Mr. Frelinghuysen (No. 272).	Sept. 7	Outrage on Dr. Knapp by Koords: Letter of Knapp corroborating report made through British embassy; note to foreign office based on; copies of correspondence inclosed.	881
571	Same to same (No. 274).....	Sept. 12	Outrage upon Drs. Knapp and Raynolds: Additional correspondence relative to, correcting omissions in previous correspondence with the foreign office; copies of correspondence with British embassy inclosed.	882
572	Same to same (No. 275).....	Sept. 14	Outrage upon Drs. Knapp and Raynolds: Courteous assistance of British embassy in this case; acknowledgment of, by Department, conveyed to Mr. Wyndham; correspondence relative to, inclosed.	886
573	Same to same (No. 283).....	Oct. 3	Treaty right of Americans in Turkey: Deprivation of, in the arrest, imprisonment of, and assault upon Dr. Pflaum by local authorities; demand for damages for violation of Article IV of treaty of 1830; question of, transferred to imperial ministry of justice.	887
574	Same to same (No. 287).....	Oct. 15	Petroleum commission: Its labors will result in a compromise; Mr. Wallace will insist that all petroleum shall pay storage at the same rate.	887
575	Mr. Heap to Mr. Frelinghuysen (No. 296).	Oct. 31	Outrage upon Drs. Knapp and Raynolds: Officials of Bitlis and Van who connived at this outrage to be dismissed; British consul instructed by Lord Dufferin to aid our missionaries at Erzroum.	888
576	Same to same (No. 298).....	Nov. 15	Outrage on Drs. Knapp and Raynolds: Delay in obtaining redress; courteous action of Lord Dufferin and British consul at Erzroum; correspondence relative to, inclosed.	888

CORRESPONDENCE WITH THE LEGATION OF TURKEY.

No.	From and to whom.	Date.	Subject.	Page.
		1882.		
577	Aristarchi Bey to Mr. Frelinghuysen.	Nov. 25	Straits of the Dardanelles and Bosporus: Passage of, by vessels laden with dynamite; prohibition proposed by Sublime Porte, with common consent of other powers; concurrence of United States requested: dispatch of Turkish foreign office relative to, inclosed.	891
578	Mr. Frelinghuysen to Gregoire Aristarchi Bey.	Dec. 4	Straits of the Dardanelles and Bosporus: Passage of, by vessels laden with dynamite; proposal of Turkey to prohibit, with common consent of other powers; United States cannot assent to general prohibition, because it would be tantamount to enlarging the international definition of contraband of war; will favorably consider any plan for the regulation of the conveyance of explosives which does not interfere with peaceful and legitimate commerce.	892
	VENEZUELA.			
		1882.		
579	Mr. Baker to Mr. Frelinghuysen (No. 600).	Dec. 29	Additional duty of 30 per cent. on consignments transshipped by way of colonial ports to Venezuela: Injurious effects of, on commerce urged on Venezuela; it is inconsistent with the development of intimate commercial relations between the two republics; asks prompt consideration and application of, necessary for the hardship of the operation of the law; copy of Mr. Baker's note to minister of foreign affairs inclosed.	893
		1883.		
580	Mr. Frelinghuysen to Mr. Baker (No. 196).	Jan. 16	Arrest, imprisonment, and torture of John E. Wheelock by civil officers: Claim of indemnity therefor against Venezuela to be pressed for adjustment on every suitable occasion.	896
581	Mr. Davis to Mr. Baker (No. 199).	Jan. 18	Custody of papers of vessels of foreign nations in Venezuelan ports: Note of British minister relative to; copy of, inclosed.	897
582	Mr. Baker to Mr. Frelinghuysen (No. 617).	Feb. 8	Additional duty of 30 per cent. on consignments transshipped to Venezuela by way of colonial ports: Modification of law imposing; transshipment, disembarkation, and re-embarkation in foreign colonies without the merchandise being considered as proceeding from such colonies; request of Venezuela that the United States will interest themselves in the request that Great Britain will consent to a modification of their treaty; copy of decree and correspondence inclosed.	897
583	Mr. Frelinghuysen to Mr. Baker (No. 208).	Feb. 24	Claim of John E. Wheelock for imprisonment and torture: The gravity of the outrage, and the delay of Venezuela in settling it, is little less than a denial of justice; minister should not wait for a convenient opportunity, but should, on receipt of this instruction, press the desire of the President for a speedy adjustment of the claim; copy of letter relative to, inclosed.	900
584	Same to same (No. 210).....	Mar. 10	Additional duty of 30 per cent. on consignments transshipped to Venezuela by way of colonial ports: Satisfaction at the modification of the practice by Venezuela; copy of a letter on that subject from Boulton, Bliss & Dalloti inclosed.	901
585	Same to same (No. 215).....	Mar. 19	Claim of John E. Wheelock: President expects an immediate adjustment of this long-deferred just claim for justice; copy of letter from claimant to the President inclosed.	902
586	Same to same (No. 216).....	Mar. 23	Custody of papers of foreign vessels in Venezuelan ports: Modification of the law of; co-operation of Great Britain; copy of note from British minister on the subject inclosed.	904
587	Mr. Baker to Mr. Frelinghuysen (No. 657).	Mar. 29	Claims of the United States against Venezuela: Stoppage of payments on, determined by Venezuela; this action induced in view of the action of the United States Congress providing for a new mixed commission for the revision of the awards of the former commission; Mr. Baker declines to express any opinion as to Venezuela's action.	904
588	Same to same (No. 659).....	Mar. 29	Arrest, imprisonment, and torture of John E. Wheelock: Claim against Venezuela for indemnity therefor; pursuant to Department instruction No. 205 immediate settlement of, urged; prompt action promised.	906

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
589	Mr. Frelinghuysen to Mr. Baker (No. 219).	Apr. 17	Claims of the United States against Venezuela: Suspension of the monthly payments on; Venezuela notified that United States regards this action as premature and in contravention of existing engagements; resumption of payments requested; copy of note relative to, addressed to M. Comacho, inclosed.	906
590	Mr. Baker to Mr. Frelinghuysen (No. 669).	Apr. 21	Arrest, imprisonment, and torture of John E. Wheelock: Venezuela not disposed to comply with request for settlement of claim; Department's No. 215, presenting urgency of adjustment of the case, sent to minister of foreign affairs without eliciting any reply.	907
591	Same to same (No. 678).....	May 2	Claims of United States against Venezuela: Suspension of payment on; copy of protest of United States against, delivered to minister of foreign affairs.	908
592	Same to same (No. 683).....	May 6	Arrest, imprisonment, and torture of John E. Wheelock: Incloses note and report from foreign office relative to; that ineffectual steps have been taken for punishment of the torturers; Venezuela reasserts that she is not responsible for injury from the said acts of her officials.	905
593	Same to same (No. 686).....	May 11	Custody of ship's papers in ports of Venezuela: Copy of memorandum of reasons of United States for change of law of, inclosed; that it would not be an innovation to deposit ships' registers with the consuls of the respective nations; existing rule is in contravention of the spirit of reciprocity; danger of loss of papers no sufficient reason for its continuance, and does not provide against frauds; hopes the modification will be made.	919
594	Same to same (No. 688).....	May 15	Custody of papers of foreign vessels in Venezuelan ports: British minister coincides with views of Mr. Baker, and has so informed Venezuela; German minister has applied to his Government for instructions.	921
595	Same to same (No. 711).....	June 7	Claims of the United States against Venezuela: Suspension of payments of; reply to United States' request for resumption of payments; Venezuela does not disavow convention of 1866; fraud, tainted awards based on it; payments made go further than justice demands; abides by its decision of depositing the credits in Caracos instead of Washington; copy of note of Mr. Seyas inclosed.	921
596	Same to same (No. 720).....	June 26	Locusts: Visitation of, to Venezuela; description and effects of.	925
597	Same to same (No. 721).....	June 28	Railway from La Guayra to Caracas: The first train through, and concourse of people to witness the occurrence; description of the road; its picturesque course; its influence on future efforts at railroad building, on commerce and industries.	925
598	Same to same (No. 750).....	Sept. 19	Centennial celebration of the birth of Bolivar: Gives detailed account of the ceremonies of that occasion.	926
599	Same to same (No. 751).....	Sept. 19	Statue of George Washington: Unveiling of, on the occasion of the centennial celebration of Bolivar; ceremonies and speeches, report of, inclosed.	927
600	Same to same (No. 768).....	Oct. 15	Custody of papers of foreign vessels in Venezuelan ports: Subject of modification was presented to the legislature and referred to a committee, but failed of final action on account of the Bolivar festivities; will be acted on at next session of the legislature; copies of correspondence enclosed.	931
601	Mr. Frelinghuysen to Mr. Baker (No. 253).	Nov. 16	Claim of John E. Wheelock against Venezuela for torture by officials: Failure of indemnification is regarded by United States not only as harsh to Mr. Wheelock but unfriendly to United States; the settlement of pending questions with Venezuela would be facilitated by consideration of United States' complaint in this case.	933

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 1.

Mr. T. O. Osborn to Mr. Frelinghuysen.

[Extract.]

No. 375.] LEGATION OF THE UNITED STATES,
Buenos Ayres, April 19, 1883. (Received June 29.)

SIR: I have the honor to acknowledge the receipt of your dispatch numbered 168 (see Foreign Relations, 1882), in relation to the case of Mr. John T. Rowe, an Argentine citizen by birth, who was naturalized, and arrested for military duty after his return and residence for many years in this Republic.

With regard to this case, I beg to submit that its nature called for immediate action on my part, and therefore debarred me from seeking for instructions, with relation to it, from the Department of State.

In my action, two paramount considerations had to be conciliated, the release of Mr. Rowe from arrest at his own and his family's importunate desire, and the protection of his rights as a naturalized American citizen, on *prima facie* evidence, without, if possible, disturbing the harmonious relations of the two Governments.

In my interview with the minister of foreign relations, the principle of expatriation was not called in question, for that principle is acknowledged by this Government, but it justly claimed that it must be one of good faith.

In this view of the question I had of necessity to acquiesce, whilst its application to the case under consideration was fraught with doubt and apprehension.

The facts as already stated in my dispatch numbered 350, appeared to be that Mr. Rowe visited the United States twice; first to get an education, and then to get a wife; and having remained there on each occasion for such time as was necessary to compass the purpose he had in view, returned to and permanently settled in the country of his birth, the home of his parents, friends, and the location of his and their interests and property. The only plea put forward, in order to cover the obvious inference to be drawn from such a proceeding, was the necessity of a warmer climate for the preservation of perfect health, yet Mr. Rowe could not have been ignorant of the fact, known to everybody, viz, that the United States, his newly adopted country, could furnish him with every climate his constitution might require, from extreme cold to extreme heat.

The impression on my mind, at the time I was called on for immediate action, could not under the circumstances be very favorable to Mr. Rowe, who appeared to me to have circumscribed his allegiance to the

United States to the simple assumption of citizenship, and then to have decamped, with the unmistakable object of evading duties he owed either to the country of his adoption, or to the country of his birth. Yet, withal, I felt that my impressions might possibly be erroneous, and that in the dire emergency in which he had unexpectedly been placed his appeal to me could not be entirely ignored.

Under these circumstances, the course of an appeal from the provincial to the national tribunals appeared to me acceptable, as by this means the case could be brought within the minister's and my immediate cognizance, whilst Mr. Rowe's rights would not in any event be prejudiced by the decision the court might arrive at, and it was so understood by the minister and myself, at the time of the interview.

I have now to state that later investigations, based on Mr. Rowe's personal statement, and such other circumstances as have come within my cognizance, fully carry out my first impressions.

It was my opinion that the present case bears a clear relation to those particularized in the United States Consular Regulations, Art. XI, sec. 170, and that it would be impolitic to put it forward as a test case in so important a question as the one of Argentine jurisdiction, on the rights inherent to citizenship acquired in the United States by those born in this Republic.

* * * It is not unlikely that with increased inter-communication some fresh and *bona fide* case may enable this important matter to be clearly defined to the mutual satisfaction of both countries.

I indulge in the hope that the fuller data furnished in this dispatch may dispel any impression as to my having acted hastily and without due reflection in so momentous a question. It had, as have all matters which come before me, my most serious attention and honest action for the protection of American interests, whilst endeavoring to maintain uninterrupted the amicable relations now existing between the two Republics.

Under such circumstances, I think I am justified in respectfully requesting the Department of State to again review the case by the new light my explanations may throw on it, and either give me such fresh instructions as may be considered advisable or to confirm those transmitted to me in the dispatch which I now have the honor to acknowledge.

I have, &c.,

THOS. O. OSBORN.

No. 2.

Mr. T. O. Osborn to Mr. Frelinghuysen.

[Extract.]

No. 376.] LEGATION OF THE UNITED STATES,
Buenos Ayres, May 4, 1883. (Received June 13.)

SIR: The annual session of the Argentine Congress was opened to-day, the 4th instant, with the accustomed formalities, President Roca reading his message. * * *

The President opens his message by saying that no other President has had the satisfaction of opening Congress in an epoch of greater national happiness and prosperity.

The message is lengthy, but contains a plain statement of facts and official figures, and sets forth the real and true vitality of the nation, and the remarkable progress resulting from one year of peace and quiet, and the temperate administration of public affairs.

Under the head of "revenue," the President states that their trade and credit are in the ascendant with the general progress of the country. The sum collected in 1882 was $26,763,985, or an increase of 7.58 per cent. over 1881. The revenue of the first quarter of the present year shows a proportionate increase over 1882, and is equal to 16.34 per cent. over 1881. The Government has expended for the ordinary concerns of the administration only $25,354,996.76, leaving a surplus of $1,408,988. The total value of imports is $56,581,290, and of exports $60,389,052, showing an increase of $2,450,865 over 1881. Up to the 31st of March of the present year the mint has placed in circulation 5,755,237 gold, silver, and copper coins, representing in all $4,154,519.16.

In the chapter of "railways" the President informs Congress that there are at work on the ten railways now building and extending throughout the Republic, 14,500 men; that the Andine line has been extended beyond the province of San Luis, having surmounted the greatest difficulties it had to encounter, and at the end of this year the locomotive will have reached the foot of the Andes.

In speaking of the service in the postal and telegraphic communications, the President states that last year 17,757,610 letters and papers were dispatched, one-fifth of which were foreign, showing an increase of 20 per cent. over the year previous, and that the minister of foreign affairs had signed a convention with the Uruguayan Republic, as well as with Bolivia, to join telegraph lines, and that the Argentine and Brazil had been joined at Uruguayana, thus opening another line of communication with Rio and Europe.

The President recommends a bill for abolishing postal and telegraph franking.

Under the head of "foreign relations" it is stated that relations with nations of Europe are maintained without any alterations, and the Argentine Government is on friendly terms with all the American nations.

The President says he has devoted special attention to the subject of public instruction, which continues to awaken a lively interest throughout the Republic, and that all the provinces have cheerfully conformed to the subventions. There are 1,505 schools supported by the nation, without counting the normal and application schools and those annexed to the national colleges, and 112,400 pupils attend.

The President concludes his message by expressing his intention, in view of the general prosperity of the country and its perfect order and tranquillity, of submitting to Congress a project for the reinstatement in their former places in the army of all the officers who are living separated from the army on account of political dissensions, and says that we must forget that those officers neglected their duty to their country, in order that we may remember that they have grown old in its service, and contributed not a little to its glory and prosperity.

I have, &c.,

THOS. O. OSBORN.

No. 3.

Mr. T. O. Osborn to Mr. Frelinghuysen.

No. 377.] LEGATION OF THE UNITED STATES,
Buenos Ayres, May 9, 1883. (Received June 29.)

SIR: General Villegas, the second in command of the Argentine army, on his return to-day from a long and successful expedition in Patagonia against the Indians, was enthusiastically received.

The general, with his division, started the 3d of February last on his expedition, and penetrated to the very heart of Patagonia, some 150 leagues. The general reports that the scenery in almost every part through which the expedition passed is most beautiful and picturesque, and the general quality of the land and pasture is excellent.

On February 21, the vanguard was attacked by a large body of Indians, the most of whom were armed with Winchester and Martini-Henry rifles. For four hours the battle was warm, when the main body of the troops came up and put an end to the struggle. The loss on the part of the Indian warriors, as reported, was 100, and on the side of the Argentines, killed and wounded, 22. Perhaps the most serious affair which took place while the expedition was out was a brush between an Argentine company on a scout and a Chilian company of troops, in the Andes Mountains. Several lives were lost on both sides during the affray. It is not believed any deplorable consequences will result from the brush, as both companies believed that they were on their own territory, and both Governments are giving and receiving explanations in reference to the mistake.

I have, &c.,

THOS. O. OSBORN.

No. 4.

Mr. Frelinghuysen to Mr. T. O. Osborn.

[Extract.]

No. 182.] DEPARTMENT OF STATE,
Washington, July 18, 1883.

SIR: Your No. 375, of April 19 last, has been received. You therein revert to the case of Mr. John T. Rowe, and set forth the considerations which lead you to regard the matter as one not fully coming within the purview of the Department's instruction to you No. 168, of June 19, 1882.

It would seem that you had, to some extent, misunderstood the tenor of No. 168. You say, for instance, that in your interview with the minister of foreign relations, "the principle of expatriation was not called in question, for that principle is acknowledged by this [the Argentine] Government; but it justly claimed that it must be one of good faith."

If the Argentine Government admits the principle of expatriation, then it cannot consistently hold that the mere return of an Argentine naturalized abroad can operate alone to annul his acquired citizenship and restore him to Argentine allegiance and jurisdiction. Yet that is precisely what is understood to have been claimed in Mr. Rowe's case; and the purpose of instruction No. 168 was to declare the inability of this Government to recognize any claim that Mr. Rowe had, by his re-

turn, resumed his Argentine allegiance, which did not also show that he did so intelligently, and with a knowledge that his act was in effect an abandonment of his new allegiance and a resumption of his old one. Hence the demand, made in that instruction, that if the simple return of Mr. Rowe were to be held to be a formal resumption of Argentine allegiance, he should, after being made aware of that fact, be allowed a reasonable time within which to make option whether to remain as an Argentine citizen or abandon the country and conserve his acquired status as an American citizen.

Your dispatch appears to leave out of sight altogether the question of recognition of Mr. Rowe's right to expatriate himself and become an American citizen. The argument presented simply casts a doubt (which may or may not be a reasonable one) upon the *bona fides* of Mr. Rowe's acquisition of American citizenship. That doubt rests on Mr. Rowe's return to Buenos Ayres after naturalization abroad, for it does not appear that any charge of fraud in obtaining his American citizenship is brought against him. A tribunal of the United States having adjudicated Mr. Rowe to be an American citizen by a solemn act of record, it does not comport with international dignity for this Government, through you, to submit to an Argentine tribunal the decision whether he became an alien by the act of being naturalized in the United States.

In either case, whether the claim be that Mr. Rowe's mere return to Argentine jurisdiction operated as a renunciation of his acquired status and a resumption of his former allegiance, or whether it be that he did not in good faith become a citizen of the United States, this Government cannot join in submitting the decision of the point to the Argentine court. The Department's instruction No. 168 should therefore stand.

* * * You should, however, take an occasion of making it clear to the minister of foreign affairs that we do not acquiesce in any decision which may assume resumption of Argentine allegiance by an Argentine naturalized in the United States, unless by some act intelligently performed by him to that end; or, by some other act manifestly inconsistent with his acquired allegiance, he either resume his old condition or forfeit his right to protection under his new status.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

AUSTRIA-HUNGARY.

No. 5.

Mr. Taft to Mr. Frelinghuysen.

No. 24.] LEGATION OF THE UNITED STATES.
Vienna, November 20, 1882. (Received December 5.)

SIR: Instances are constantly arising of persons who are residing here claiming protection as naturalized citizens of the United States when called upon to perform duties as citizens of this Empire, and they present a variety of circumstances.

The consul at Buda-Pesth has presented the following case to this legation for advice: A native citizen of Hungary emigrated to the United States, remained six years, became naturalized, and then returned to

Hungary, where he has remained ever since, with his family, in business. Meantime he has voted at elections and paid taxes, like other Hungarian citizens. It is fifteen years since he returned from America, and he has children born in Hungary, whose names he now wishes to have registered as children of an American citizen at the consulate in Buda-Pesth. He claims never to have renounced his United States citizenship. Though living here since 1867, he declares that he does not consider himself at home here. I understand, further, from the statement of the consul, that the applicant has been all the while silent as to his American citizenship since his return to Hungary till now. The consul also stated that he was informed that the laws of Hungary allow a foreigner to vote who has been paying a certain amount of taxes for two years, and that this voting did not commit him as to citizenship in Hungary. The applicant had a passport, dated 1855.

The consul then asked me whether he could comply with the request of the applicant, if he renewed his passport; and secondly, what was the true construction of paragraph 167 of Consular Regulations, remarking that he had thus far construed it to mean that the limitation of two years spoken of is applicable only to the right of "visé."

As to the first and main inquiry, I answered that I should regard the circumstance that immediately after obtaining his naturalization papers he came back to the home of his birth and resided there continuously for fifteen years to the present time, and voted at the elections, as evidence that he had renounced his citizenship in the United States, and resumed the domicile and citizenship of the country of his birth. This seems to me a fair construction of the fourth article of the treaty of September 20, 1870, between Austria-Hungary and the United States.

As to the second inquiry, that is, whether a passport may be valid and available more than two years after its issue, I answered that I did not doubt that the true construction of section 167 of the Consular Regulations was that "a passport is good for two years and no longer," and that there was nothing in the subsequent part of the paragraph to qualify or neutralize that provision. As the circumstances of this case differ in some material points from any that have preceded it, I have thought it expedient to report it for your consideration and approval. If you should think my ruling in the case erroneous, it can readily be corrected.

I am, &c.,

ALPHONSO TAFT.

No. 6.

Mr. Taft to Mr. Frelinghuysen.

[Extract.]

No. 26.] UNITED STATES LEGATION,
Vienna, November 28, 1882. (Received December 16.)

SIR: Inclosed I send an article, cut from a leading journal here, evidently written in the interest of the producers of meats in the Austro-Hungarian Empire. You will observe that it is proposed to extend the prohibition heretofore existing against pork to beef, and to all kinds of American meat. I have called upon the foreign office to inquire as to the purposes of the Government in regard to this matter, but could get

no indication that the Government had it under consideration at all. Yet there seems to be an expectation that the Government will adopt the suggestions of this article. Two gentlemen of this city, Austrians, who are importers of American meats, have called upon me to see what could be done to prevent the carrying out of this purpose. They were very much alarmed, and said that if carried out it would ruin their business altogether. I have thought it proper to call your attention to the subject and ask your instructions.

In this connection I should be glad to know what is the present position of the French Government on the same subject. * * * I hope that this Government has no purpose to extend the prohibition, as has been suggested, but that, on the contrary, it may be induced, on a more full consideration of the facts in the case, to rescind its order against our pork; but it would seem to require some attention at this point.

I ought to add that the doctor, Kammerer, who presented these propositions to the city council of Vienna, is the head officer of the sanitary department of the city. To us, who have so long lived upon American meats without a thought of danger or of any need of inspection, and who have had far more fears of being struck by lightning than of being made sick by eating American beef or pork, the idea of forbidding the importation of our pork or beef into European markets on sanitary grounds seems very absurd; but there is evidently a good deal of pains being taken to create apprehensions among the people of danger from eating American meats.

I am, &c.,

ALPHONSO TAFT.

[Inclosure in No. 26.—Extract from the Vienna Tagblatt of November 5, 1882.—Translation.]

MEASURES AGAINST TRICHINOSIS.

In the Rudolf's Hospital a death occurred recently caused by trichinosis, in consequence of which the city physician, Dr. Kammerer, submitted a memorandum to the city council containing precautionary measures to be adopted against the spreading of this dangerous disease.

The examination of the meat of slaughtered animals takes place at present, as is known, in the districts of Vienna, by market commissaries, who go to the respective parties after having been notified. This measure the city physician finds inadequate, since at present a reliable control over these slaughtered animals is lacking.

As the best measure against the sale of meat injurious to health, the city physician points out the extension of the law requiring the killing of hogs to take place in public slaughter-houses in Vienna and the suburbs, since by these means alone a prompt, unexceptional, and technical examination of the animals can be arrived at.

Already by the law of March 9, 1866, published by the governor of Lower Austria, a proper inspection of meat conducted in conformity with the regulations is required, and stress is laid upon the public instructions concerning trichinosis published by the governor of Lower Austria in 1877, that the *exact microscopical examination will be possible only when public slaughter-houses shall exist everywhere, and slaughtering be allowed to take place only in such.*

The city physician makes the following suggestions in the interest of the public health:

First. The slaughtering of hogs in the houses of the respective trades-people should be prohibited, and the slaughter-house requirement should be extended, for the reason above alluded to, to the slaughter of hogs.

Second. That means should be adopted to establish this law also in the suburbs, where, until now, it does not exist (not even for oxen).

Third. For every slaughtered hog brought from the suburb into Vienna, proofs should be adduced that it has been examined microscopically.

Fourth. For sausages and smoked meats imported from abroad, proof should be demanded, on passing the custom-house, that they are free from trichinæ.

Fifth. The import of meat, of whatever kind, from America (so-called canned meat, &c.), should be prohibited without exception, on account of unreliable control and doubtful origin.

Fatal infective diseases are likewise of frequent occurrence among American cattle, and the so-called Texas fever, a disease related to the *rinderpest*, has made sad havoc and since beef has a higher value than hogs, and this disease may lie dormant for a long time in the animal, there can be no doubt that such meat is prepared as corned beef.

Aside from this, Mr. Mayer, a chemist, has shown the presence of *lead* in corned beef; that is to say, as much as 99 milligrams in one box. To this it must be added that even the American newspapers have pointed out the fact that not only horse flesh, but also the meat of diseased animals, has been used by the people in the business. Since the preparation of canned meat does not destroy the disease, the question is: Are we bound to the consumption of corned beef, and is the consumption of it a pecuniary advantage?

These questions must be answered in the negative. The first by the fact that frequent diseases have resulted from eating these conserves; the second, by the circumstance that the box weighing one kilo contains about seven hundred grams of eatable meat, which, at one mark and seventy five pfennige, is sold at a higher price than a domestic article of equal value. In Vienna, likewise, these conserves are met in the market, and most dealers in delicacies sell the box for one florin and twenty kreutzers, or much dearer than a domestic article of the same value. For these reasons the proposition of the city physician to prohibit the import of American meats of all kinds is no doubt perfectly justified.

No. 7.

Mr. Davis to Mr. Taft.

No. 21.] DEPARTMENT OF STATE,
Washington, January 18, 1883.

SIR: I have to acknowledge your No. 24, of November 20 last, in regard to persons residing in Austria-Hungary claiming protection as naturalized citizens of the United States when called upon to perform duties as citizens of the Austrian Empire. You state the case of a native of Hungary (brought to your notice by the consul at Buda-Pesth) who emigrated to the United States, remained there six years, became naturalized, then returned to Hungary, where he has remained for the past fifteen years, has paid taxes and voted, has married and had children. The children he now desires to have registered as children of an American citizen at the consulate in Buda-Pesth. To the inquiries of the consul, whether he should register the children if he renewed the passport of the father (which was dated 1855); and secondly, what was the true construction of paragraph 167 of the Consular Regulations, you reply that the fact of the father returning to Hungary and voting in that country, immediately after obtaining his naturalization, was evidence of his resuming the domicile and citizenship of his birth; and secondly, that a passport is good for two years and no longer. You present the case for the approval by the Department of your ruling.

In reply, I have to state that your conclusions are approved, except that it is thought that too much stress may be laid on the fact that the person whose case is described *voted* in Hungary, inasmuch as it appears that foreign taxpayers may vote. The absence of intent to return, and silence as to status for fifteen years, afford sufficient ground for refusing a renewal of his passport. The question of his own or his children's nationality will become proper subjects for consideration when he shall have returned to the United States, resumed his residence here, and taken upon himself the duties and obligations of American citizenship.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 8.

Mr. Davis to Mr. Taft.

[Extract.]

No. 22.] DEPARTMENT OF STATE,
Washington, January 19, 1883.

SIR: I am in receipt of your No. 26, of the 28th of November last, in regard to the agitation now being developed in Austria-Hungary in the interest of the meat producers in that Empire. You inclose an article from the Tagblatt newspaper, in which it is proposed to extend the prohibition at present in force against American pork to all kinds of American meat on the ground that beef as well as pork is liable to be affected with trichinæ. You state that on inquiry at the foreign office you could get no intimation that any such measure was at that time under consideration, but that the opinion appeared to be general that the Government would adopt the suggestion of the newspaper article.

In this connection you inquire the present situation of the pork question in France. * * * In reply I regret to inform you that the prohibitory decree in France is still in force. A bill to withdraw the decree and adopt certain microscopic examinations in its place, was passed by the French Chamber, but was defeated by a small majority in the Senate, and since that time no other action has been taken by the French Government in the matter. * * * The existence of trichinæ in beef has never before been suggested. It is, in fact, an impossibility, as the ox is purely herbivorous, and trichinæ are only (and that rarely) communicated among carnivorous and omnivorous animals.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY AT WASHINGTON.

No. 9.

Baron Schaeffer to Mr. Frelinghuysen.

[Unofficial.]

WASHINGTON, *November* 8, 1882. (Received November 8.)

SIR: Directed by a telegraphic order just received from the royal Hungarian marine government, I have the honor to lay before you a statement of facts which recently occurred in Philadelphia on board the Hungarian sailing vessel Mimi P., Captain Randich, accompanied by some questions and suggestions, and venture to ask you whether you find yourself authorized to interfere in the matter, in order that the proceedings may take place without delay and with the proper forbearance.

Accept, &c.,

SCHAEFFER.

[Inclosure.]

Statement of facts which lately occurred on board the Hungarian sailing vessel Mimi P., Capt. Andrea Randich, now lying in the port of Philadelphia.

Recently a bill of indictment against the said Capt. A. Randich was ignored through the absence of witnesses. The charge was of an aggravated offense committed upon the cabin-boy on the vessel. The absent witnesses are said to have been secured, and a true bill was found on the 3d instant, and a court officer was intrusted with a bench-warrant for the arrest of the captain. Upon boarding the vessel the officer was resisted by Randich and driven away. Returning with re-enforcement the captain has been arrested by the officer of the court.

Andrea Randich not being able to deposit the bail of $1,500 for the pretended assault on the boy, and the further bail of $800 for resisting the process of the court, was locked up in the central station. With respect to the first indictment the following questions naturally arise:

1. Whether the offense has been committed at all, and by whom?
2. Whether, if really committed, it was committed in the port of Philadelphia or on the high seas; and, in the latter case, whether a foreign court has the right to arrogate its jurisdiction?
3. Whether deserters, who are naturally revengeful enemies of the captain, are to be admitted as witnesses?

With respect to the second offense, it is not possible to approve of the conduct of the captain, but it may be styled excusable for a man, thinking himself innocent, to resist to an arrest on board of his own vessel, without the presence of his consul.

It is permitted to ask whether any American captain would not have acted in the same way in any European port.

Should Article X of the convention concluded between the United States and Austria-Hungary on the 11th July, 1870, not be applicable to this case?

At least the simple international courtesy would have suggested to acquaint the foreign consul of the issue of the warrant, a courtesy which the American Government certainly expects and will receive from the courts in any foreign ports.

No. 10.

Mr. Frelinghuysen to Baron Schaeffer.

[Unofficial.]

DEPARTMENT OF STATE,
Washington, November 10, 1882.

MY DEAR BARON: On my return to Washington I find your unofficial note of the 8th instant, with its inclosed memorandum touching the occurrences on board of the Hungarian vessel Mimi P., in the port of Philadelphia.

The facts as stated do not enable me to express my opinion as fully as I would wish. If the assault was committed upon the cabin boy in port, it would be cognizable by the local courts as a breach of the peace. If upon the high seas, question might arise as to what court, whether municipal or maritime, would have jurisdiction. Under any circumstances the action of Captain Randich, while in port, in resisting the officers of the law, constitutes, I think, a cognizable breach of the peace.

The tenth article of the treaty to which you refer seems to provide only for the consul's presence and assistance to a shipmaster in proceedings he may desire to take and declarations he may be called upon to make before the local authorities. I am disposed, however, in equity, to extend the privilege of the consul's presence to all judicial matters to which a member of the ship's company may be a party; and if you so desire, and will address me formally on the subject, I will address a letter to the governor of Pennsylvania, giving my opinion in that sense, and asking that the local magistracy be so advised.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 11.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *November* 13, 1882. (Received November 13.)

SIR: Unfortunately I ought to accept your private views so kindly expressed in your unofficial note of November 10, concerning the unhappy occurrence of the uncalled-for resistance of Capt. Andrea Randich, of the Hungarian vessel Mimi P., to the officers of the law in Philadelphia. Nevertheless, I cannot but appreciate your favorable disposition to extend the privilege of the consul's presence, as provided for in our treaty of 1870, to all judicial matters.

I have, therefore, the honor to ask you officially whether the American Government would be prepared to alter in this sense the meaning of Article X of the said treaty for all American ports, in which case I should write to the imperial and royal Austro-Hungarian Government for authorization to accept this change also for the Austro-Hungarian ports in favor of the American seamen. Such an alteration would benefit both seafaring nations, and avoid in the future any excuse whatever, with respect to the ignorance of the laws and want of knowledge of the language of the respective country, on the part of the offenders.

Accept, &c.,

SCHAEFFER.

No. 12.

Mr. Frelinghuysen to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, January 3, 1883.

BARON: I had the honor in due time to receive your note of the 13th November last, in which you refer to our previous correspondence touching the case of Captain Randich, of the Hungarian vessel Mimi P., at Philadelphia, and ask whether this Government would be prepared to amend the tenth article of the consular convention of July 11, 1870, in the sense of enabling the consular officers of either country to be present at all judicial proceedings in the courts of the other wherein the captains or members of the crew of vessels of their nation may be involved.

After due consideration of the matter, I have the honor to submit to your judgment a draft of an additional convention designed to accomplish the desired end.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Draft of an additional article to the consular convention of July 11, 1870, *between the United States and Austria-Hungary.*

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, mutually desirous

of extending to the officers and crews of the vessels of either country who may be involved in judicial proceedings in the courts of the other, all proper facilities for the defense of their personal rights, have resolved to that end to conclude an article supplemental to the consular convention of July 11, 1870, between the two countries, and have appointed as their plenipotentiaries, to wit:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State;

And His Imperial and Royal Apostolic Majesty, ——— ———;

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following additional articles:

ARTICLE I.

In continuation of the tenth article of the consular convention between the United States and Austria-Hungary, which was signed at Washington on the 11th day of July, 1870, and as forming part of said tenth article, shall be added the following:

"The provisions of the two preceding paragraphs shall also be applicable whenever any captain of a vessel of either country, or any person or persons composing the crew of such vessel, shall be proceeded against or bring suit in the courts of the other country; and the respective consular officers of the vessel's nation shall be duly notified so as to be enabled to attend such proceedings; provided that in like manner, should they fail to appear at the place and hour named, the case shall be proceeded with in their absence."

ARTICLE II.

The foregoing additional clause shall, from the date of the exchange of the ratifications hereof, have equal force and like duration with the original consular convention aforesaid, and be terminable in like manner.

This additional convention shall be ratified, and the ratifications hereof shall be exchanged in the city of Washington, as soon as may be possible.

In testimony whereof the respective plenipotentiaries have signed this convention, in duplicate, in the English and ——— languages, and affixed hereto the seal of their arms.

Done at the city of Washington, this —— day of ———, in the year of our Lord one thousand eight hundred and eighty-three.

No. 13.

Baron Schaeffer to Mr. Frelinghuysen.

[Extract.]

WASHINGTON, *February* 19, 1883. (Received February 20.)

SIR: * * * I am now directed by my Government to bring to your notice their views with respect to the lamented case, which I do by the inclosed memorandum, asking you to give it due consideration and to let me know whether you are inclined to adopt the interpretation of our consular convention therein contained, or to indicate to me the means, that, in future, similar proceedings on the part of your local courts could not any more take place.

In order to be able to appreciate the reasons given by the Austro-Hungarian Government, I venture to remind you of similar cases of two American vessels in foreign ports which came to my knowledge, viz, the Newton and the Sally. The first was in the port of Antwerp, where the American consul and the local authorities both claimed exclusive jurisdiction over an assault committed by one of the seamen belonging to the crew against another, in the vessel's boat. The second was in the port of Marseilles, where exclusive jurisdiction was claimed both by the local tribunals and by the American consul as to a wound inflicted by the mate on one of the seamen in the alleged exercise of discipline over the crew. The American consul insisted upon his sole

right of jurisdiction, and the matter having been brought before a higher tribunal, the latter pronounced against the jurisdiction of the local authorities.

Finally, I have only to add that your letter of the 3d January, 1883, with the draft of an additional article to our consular convention of 1870, has not yet been in the hands of the Austro-Hungarian Government.

Accept, &c.,

SCHAEFFER.

[Inclosure.]

Memorandum of the Austro-Hungarian Government with respect to the arrest of Captain Randich.

Although the said captain has been acquitted, the Austro-Hungarian Government feels itself compelled to call the earnest attention of the Government of the United States to the proceedings instituted in this case by the local court at Philadelphia, which for various reasons gives cause for serious apprehensions.

According to the general principles of international law, the local jurisdiction with respect to foreign private vessels entering domestic ports for the purpose of trade is beyond all present controversy, yet, in practice, nations, following the maritime jurisprudence of France, have inclined to the rule established by that country that local courts should decline to take jurisdiction of cases involving acts of mere interior discipline of such foreign vessel, or of crimes and offenses committed by persons forming part of its officers and crew against other persons belonging to such vessel whenever the acts committed on board such vessel are not of a nature to disturb the local peace and public order in port or on shore, or whenever persons, other than the officers and crew of such vessel, are not parties to the disturbance.

This principle has been adopted in modern times in international conventions regulating questions of this character, and it has been specially embodied in the various consular conventions which Austria-Hungary has concluded with foreign powers, and particularly in the convention with the United States concerning the rights, privileges, and immunities of consuls in the two countries, concluded in the year 1870.

The provisions of this last convention limit the right of intervention by the local authorities to the class of cases indicated. A similar provision in the consular conventions with France, Portugal, and Italy has been in practice always construed to mean that the local authorities of these countries were not empowered to take cognizance of a criminal offense, committed on board a foreign merchant vessel, whenever such offense was committed, as indicated, by one of the crew against an officer or against another of the crew.

The Austro-Hungarian Government must therefore positively deny the right of the local court at Philadelphia to have instituted such proceedings, or to have entertained jurisdiction of the present case.

The Austro-Hungarian Government is furthermore compelled to make complaint respecting the proceedings connected with the arrest of Capt. A. Randich.

As appears by the report of the consul, it was the intention of the court to cause the arrest of the said captain on board his vessel, and the court, or the officers, failed to inform the consul of this intended arrest or of the proposed proceedings, and to request, as they should have done, the intervention of the consul in the matter.

The Austro-Hungarian Government claims that the local authorities cannot in any case exercise their jurisdiction over foreign merchant vessels without first bringing the case to the knowledge of the consul of the country to which such vessel belongs.

The course pursued by the court at Philadelphia in this case seems therefore to be inconsistent with the spirit of the law of nations. It is in precisely such cases as the present that the intervention of the foreign consul would seem to be most desirable, in order to protect foreign officers from any unauthorized restraint of their personal liberty.

Probably the arrest of the captain would not have been made if a timely opportunity had been offered the consul for his intervention.

No. 14.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *May* 19, 1883. (Received May 19.)

SIR: In laying before you a report just received by our consul in Philadelphia, with respect to a case of discipline which occurred on board the Austrian vessel Ararat, Capt. Sylvio Ferlan, and in which the local authorities seem to arrogate the right of interference, contrary to the consular convention of 1870 existing between the Governments of the United States and Austria-Hungary, I have the honor to earnestly request you to instruct without delay, even by telegraph, the said authorities accordingly.

If the local authorities think themselves authorized to violate the law of nations, every convention becomes a dead letter, and our consular jurisdiction would cease entirely by encouraging the insubordination on board our ships.

Accept, &c.,

SCHAEFFER.

[Inclosure.]

Report of Austro-Hungarian consul at Philadelphia.

AUSTRO-HUNGARIAN CONSULATE,
Philadelphia, May 18, 1883.

SIR: This consulate is compelled to lay before the imperial and royal legation a case of importance in which the consular jurisdiction has been interfered with, and not only that, but it is threatened with being overruled, a local magistrate here having completely ignored the treaty and all its provisions now existing between Austria-Hungary and the United States of America.

The Austro-Hungarian bark Ararat, Capt. Sylvio Ferlan, arrived at this port on the 8th instant from Belfast, having mustered into service at Belfast, before the imperial and royal consulate at that port, as cabin boy (*camerotho*), the boy Hamilton Stewart, for the voyage to the United States, and from there to port of discharge of the vessel in Europe, at £1 sterling per month. On Monday morning, May 14, said boy, Hamilton Stewart, presented himself at this consulate, making a complaint against Captain Ferlan, stating that the captain had beaten him, and when asked by me when, and where, and how, he answered, on that same morning in the cabin when they were alone, and that he, the boy, now demanded to be paid off. He admitted that the captain had not maltreated him or abused him, only boxed his ears, and the boy certainly did not show upon his body any mark of hurt or violence. After having heard the boy's side of the story, I told him to wait at the consulate, as I would at once send for Captain Ferlan (which I did), to get his version of the matter, but the boy, who was accompanied by a "runner" from some seamen's boarding house, did not wait for the captain, but left the consulate. When Captain Ferlan came to the consulate he admitted having that morning, in the cabin, slapped the boy in the face and boxed his ears, because the boy had been very insubordinate and refused to do duty.

Captain Ferlan said that the boy is a bad boy, and he would agree to pay him off here, in spite of his positive right to retain him on board, provided the boy gave a receipt in full for all demands.

On the next day, Tuesday forenoon, the boy came to the consulate again, when I told him that the captain had a right to chastise him moderately for gross insubordination and refusal to do his duty; but, nevertheless, Captain Ferlan would agree to pay him off here if he would give a receipt in full for all demands. This he said that he would do. His account was then made up, and shown to him, leaving a balance of $2.78 in the boy's favor, which he received, and for which he gave the following receipt, viz:

"Received payment in full for all demands upon the above vessel, her owners and her master.

"PHILADELPHIA, *May* 15, 1883.

"$2.78.

"HAMILTON STEWART."

On Wednesday afternoon, shortly before 4 p. m., Captain Ferlan was arrested and came to this consulate in charge of a constable from Magistrate James L. Brown, court No. 3, a local magistrate, which local magistrate had, upon application of the boy, issued a warrant for the arrest of Captain Ferlan upon the charge of "assault and battery," &c.

I immediately went with Captain Ferlan and the magistrate's constable to the magistrate's court No. 3, but found him gone for the day, and in spite of my most earnest demonstrations before the constable, claiming, as I did, that the consulate alone had jurisdiction in the case, the constable took him to the Union Street station-house, Lieutenant of Police Watson, jailer, where the captain was locked up for two or three hours, until his consignees here, Messrs. Workman & Co., gave bail for his appearance before the magistrate at 10 a. m. on the following day. On Thursday, at 10 a. m., Captain Ferlan and I appeared before Magistrate Brown; before him I claimed the unconditional surrender to me of Captain Ferlan, by virtue of the jurisdiction vested in this consulate, based on the existing treaty already cited above.

The magistrate refused to liberate the captain, and appointed a hearing in the case at 2 p. m. on Thursday. As the boy was in the hands of a lawyer, it became necessary for the captain and the consulate also to have a legal adviser, and Mr. Charles Gibbons, jr., quite an able young admiralty lawyer, and also a United States commissioner here, was retained for that purpose.

We all met at the appointed hour yesterday (Thursday) at 2 p. m., when the magistrate had read to him by Mr. Gibbons portions of the existing treaty, and the claim of the consulate for an absolute jurisdiction was again pressed upon the magistrate with great force.

Magistrate Brown claimed jurisdiction because the vessel was not in the Delaware River at an anchor at the time of the occurrence in the cabin, but she was moored at one of our city wharves. He says that if she had been in the river, riding at anchor, he could not interfere, but at the wharf he had a right to, in his opinion.

He has turned the matter over to the court. It is to come up in the criminal court (court of quarter sessions), Judge Finletter, I believe, or some other State court judge, at 10 a. m. on Monday, May 21, and I do therefore hasten to lay this important matter before the imperial and royal legation for immediate action, because if the local authorities are allowed to interfere with and to disregard entirely the United States treaties with the several foreign maritime powers and to ignore the consular jurisdiction based on such treaties, there will be no end to the cases of insubordination, desertion, &c., on board of foreign vessels in the United States ports in future.

Yours, &c.,

L. WESTERGAARD,
Imperial and Royal Consul.

No. 15.

Mr. Davis to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, May 19, 1883.

BARON: Acknowledging the receipt of your note of to-day's date in regard to the arrest of Captain Sylvio Ferlan, of the Austrian vessel Ararat, at Philadelphia, on a charge of assaulting a cabin boy, I hasten to inform you that as the "difference" appears to be one concerning the maintenance of usual discipline on shipboard, and, therefore, one proper to be "settled" by the consul, under the treaty of 1870, the Attorney-General has directed the United States attorney at Philadelphia to appear on behalf of Captain Ferlan, and ask that the proceedings against him be dismissed for want of jurisdiction.

Accept, &c.,

JOHN DAVIS.

No. 16.

Count Lippe-Weissenfeld to Mr. Davis.

WASHINGTON, *June* 7, 1883. (Received June 7.)

SIR: Referring to your note addressed to Baron Schaeffer on the 19th of May last, in regard to the arrest of Capt. Sylvio Ferlan, of the Austrian vessel Ararat, at Philadelphia, on the charge of assaulting a cabin boy, by which you inform this legation that "as the difference appears to be one concerning the maintenance of usual discipline on board, and therefore one proper to be settled by the consul under the treaty of 1870, the Attorney-General had directed the United States attorney at Philadelphia to appear on behalf of Captain Ferlan and ask that the proceedings against him be dismissed." I have the honor to inform you that advice has been received at this legation from the imperial and royal consulate at Philadelphia that the case in question having been called for trial on the 28th of May in the court of quarter sessions before Judge Finletter and a jury, the points presented by United States attorney J. K. Valentine, in accordance with the Attorney-General's instructions, were refused; the question raised as to the jurisdiction of the court in this particular case under the treaty of 1870 simply overruled by Judge Finletter, who noted an exception, generally, to his refusal of United States attorney Valentine's points; that the trial went on, and that the jury, without leaving the box, rendered a verdict of "not guilty."

I beg to inclose the stenographic report concerning the trial in question for further particulars. His Majesty's Government considers the question at issue a most important one. It was not whether Captain Ferlan would be acquitted or convicted, but it involves a fundamental principle: the jurisdiction of our consulates under the treaty of 1870 and its protection against arbitrary encroachments from local magistrates in the different States.

It is evident that if the local authorities were allowed to interfere with and to disregard entirely—as in this case—the treaties and conventions concluded between the United States and foreign powers, and to ignore the consular jurisdiction based upon such treaties, cases of insubordination, desertion, &c., on board of foreign vessels in United States ports, would be largely increased in the future.

As the Department of State admits that the difference in question was not a criminal one, but one concerning the maintenance of usual discipline on board, and therefore one proper to be settled by our consul under the treaty of 1870, the Philadelphia court of quarter sessions could consequently have no right to take cognizance of it, the offense, as the evidence shows, having been committed on board an Austrian vessel, the parties concerned being exclusively foreigners, and the peace of the port not having been disturbed. (Article XI.)

Considering all these circumstances, and whereas this trial might be invoked as a precedent on some future occasion against our rights under the treaty of 1870; whereas, further, the reports concerning that trial have been published by the local papers, commented on by the foreign consuls at Philadelphia, and elicited unusual interest, I feel bound to enter a formal protest in the name of His Majesty's Government against the violation of the treaty rights, as stated above, and request you to provide such measures as will obviate effectively for the future the possibility of similar occurrences.

I take the liberty of suggesting that a formal decision of the Supreme

Court on this matter might prove the best safeguard of our treaty rights, and have the honor of requesting you to favor me with your views concerning this important question.

Accept, &c.,

LIPPE-WEISSENFELD.

PROCEEDINGS IN THE CASE OF THE ARARAT.

In the court of quarter sessions in and for the county of Philadelphia.

COMMONWEALTH OF PENNSYLVANIA
vs.
SYLVIO FERLAN, CAPTAIN AUSTRIAN BARK ARARAT. } No. 286. May sessions, 1883.

Charge: Assault and battery on information of Hamilton Stewart.

Before Judge Finletter and a jury.

Charles F. Warwick, esq., A. S. L. Shields, esq., pro Commonwealth.
Charles Gibbons, jr., esq., John K. Valentine, esq., pro defendant.

(Stenographically reported by R. A. West.)

PHILADELPHIA, *Monday, May* 28, 1883.

The foregoing case having been called for trial, the following jury was impaneled: Bushing, George, grocer, 1204 Green street, Fourteenth ward; Hallowell, Joseph T., machinist, 1603 Ridge avenue, Fifteenth ward; Hellman, Samuel, carpenter, 3608 Hamilton street, Twenty-fourth ward; Hill, Michael, carpenter, 2005 Lombard street, Seventh ward; Jackson, Charles F., gas-fitter, rear 1744 Olive street, Fifteenth ward; Johnson, William, plasterer, rear 916 Third street, Sixteenth ward; Keevan, William, salesman, 333 Gaskill street, Fifth ward; Martin, Thomas J., clerk, 126 Congress street, Fourth ward; Robinson, sr., John, hotel, 4025 Cresson street, Twenty-first ward; Shallcross, Andrew, painter, 625 Thirty-fifth street, Twenty-fourth ward; Stiles, William M., dyer, 502 Vine street, Twelfth ward; Subers, Daniel K., clerk, 603 Seventh street, Thirteenth ward.

The jury having been all sworn, the case was proceeded with as follows:

THE OPENING FOR THE COMMONWEALTH.

Mr. WARWICK opened the case for the Commonwealth, as follows:

MAY IT PLEASE THE COURT, GENTLEMEN OF THE JURY: The defendant in this case, Sylvio Ferlan, is charged with an assault and battery on Hamilton Stewart. The facts in the case are simply these: Hamilton Stewart, a young boy, residing now in this city, who was upon a vessel, which was an Austrian bark, named the Ararat, that was lying at anchor at Hanover-street wharf, in this city, claims that he was beaten, bruised, and otherwise assaulted by the captain of the bark. The captain, Sylvio Ferlan, who is an Austrian, I believe, and who made the assault and battery on Hamilton Stewart, the cabin boy, is the defendant in this case. The boy is here to tell his story, and the defendant is also here before you, and that is all that is necessary for me to say in reference to this subject at the present time. I expect to show by the testimony of the boy that the captain of the bark is guilty of the charge which has been brought against him.

THE TESTIMONY FOR THE COMMONWEALTH.

HAMILTON STEWART sworn and examined.

By Mr. WARWICK:

Question. What is your name?—Answer. Hamilton Stewart.
Q. Where do you live?—A. Belfast, Ireland.
Q. What is your business?—A. Brass moulder.
Q. Do you know Sylvio Ferlan?—A. Yes, sir.
Q. Where did you first meet him?—A. In Belfast.
Q. What is his business?—A. Captain.

Q. Captain of what kind of a vessel?—A. Captain of an Austrian bark.
Q. Did you enter the service of that bark?—A. Yes, sir.
Q. Where?—A. Belfast.
Q. When?—A. On Easter Monday.
Q. You entered that service in what capacity?—A. As cabin boy.
Q. Did you come from Belfast to this country on that bark?—A. Yes, sir.
Q. Direct from Belfast to Philadelphia?—A. Yes, sir.
Q. While you were lying in port, at Hanover-street wharf, in this city, tell us what took place.—A. Because I did not come in at 6 o'clock in the morning, being about two minutes past my time, as soon as I got into the cabin he knocked me down, and beat me about the body, and kicked me, and afterwards he called me by name and told me to go ashore. I went ashore, and I then saw a boy on the wharf, and he told me to go to the consul. Then I went to the consul, and he kept me there three hours. Then I told him what had happened, and he told me to go on board of the ship. I went on board the ship in the morning; the boarding-master came down after me the next morning.
Q. Had you been boarding in the city?—A. Yes, sir.
Q. When did your bark arrive?—A. Monday, three weeks ago.
Q. That is, to-day three weeks ago?—A. Yes, sir.
Q. After that where did you live; on board of the bark or in the boarding-house?—A. I was there a week before this happened.
Q. Well, go on with your story.—A. The boarding-master saw the captain that night, and the captain said he would pay me off the next morning. I called on the consul, and he paid me off; he paid me $2.83.
Q. And you had the captain arrested for assault and battery?—A. Yes, sir.
Q. Were you injured much?—A. I could not get my breath for about five minutes.
Q. Were you bruised?—A. No, sir.
Q. Were you beaten about the body?—A. Yes, sir.
Q. What did he strike you with?—A. His fists.
Q. When you were down, did he kick you?—A. Yes, sir.
Q. Where?—A. On the body here. [The witness placed his hands upon the abdomen and groin.]

Cross-examined by Mr. GIBBONS, Jr.:

Q. You say that you shipped at Belfast?—A. Yes, sir.
Q. On a voyage to America and return to a European port?—A. On a voyage from Belfast and return to Belfast; a voyage from Belfast and return.
Q. That is, you shipped on a voyage from Belfast to this country to return to Belfast?—A. Yes, sir.
Q. This disturbance of which you speak occurred within the cabin of the bark, did it not?—A. Yes, sir.
Q. Was any other person present at the time, other than the captain and yourself?—A. No, sir.
Q. Did any other person hear the disturbance?—A. No, sir.
Q. How long after this happened was it that you went to the consul's office?—A. It was half-past nine.
Q. Half-past nine on the same morning?—A. Yes, sir.
Q. What time did you leave your vessel to go to the consul's office?—A. I left at half-past six.
Q. Did the master give you permission to go on shore?—A. Yes, sir; he told me to go on shore.
Q. When?—A. On Monday morning.
Q. When did he tell you to go ashore?—A. After he beat me.
Q. About the same time; that is, right after he beat you?—A. Yes, sir; at the same time.
Q. Who took you to the consul's office?—A. I was shown the way.
Q. By whom?—A. By the people on the streets; I asked them.
Q. Who took you to the consul's office?—A. I asked the way to it.
Q. Did any person take you there?—A. No, sir.
Q. You went alone?—A. Yes, sir.
Q. Did you see the consul?—A. Yes, sir.
Q. You laid your case before the consul, did you not?—A. Yes, sir.
Q. What did you say to the consul?—A. I told him how he had kicked me, beat me, and abused me.
Q. Did you say to the consul that the master of this bark kicked, beat, and abused you?—A. Yes, sir.
Q. Did you not say to the consul that the master simply boxed your ears?—A. No, sir.
Q. Do you mean to say by that that you did not say to the consul that the master simply boxed your ears?—A. No, sir; I did not.

Q. You did not tell him that?—A. No, sir.
Q. Did not the consul say, at that time, that he would send for the master and examine into it?—A. No, sir.
Q. He did not say that?—A. No, sir.
Q. Are you sure of that?—A. Yes, sir.
Q. When were you next at the consulate?—A. The next morning.
Q. You went there to be discharged, did you not?—A. The boarding-house man said the captain was going to pay me the next morning—that was Tuesday morning.
Q. And then you went before the consul to receive your money?—A. Yes, sir.
Q. And that was the next day?—A. Yes, sir.
Q. Who was the boarding-house master?—A. Mr. Kennedy.
Q. What was his first name?—A. It was Patrick, I believe; Mr. Patrick Kennedy.
Q. And after you were paid off, Patrick Kennedy advised you to issue a warrant for this captain, did he not?—A. No, sir.
Q. Who did advise you to issue a warrant?—A. Myself.
Q. Who took you to the magistrate's office?—A. To issue the writ.
Q. But who took you there; what person was with you there?—A. Mr. Kennedy.
Q. Then you had a talk with Mr. Kennedy previous to the issuance of the warrant?—A. No, sir; I had not.
Q. Did you tell him what you wanted to go to the magistrate's office for?—A. No, sir.
Q. But he went with you to the magistrate's office, I understand you to say?—A. Yes, sir.
Q. What did you tell him you wanted to go to the magistrate's office for?—A. I did not tell him anything. I asked him where was the magistrate's office.
Q. And he took you down there?—A. He showed me the way to it.
Q. And he stayed there while the warrant was issuing, did he not?—A. Yes, sir.
Q. And was there at the time of the hearing of the case?—A. Yes, sir.
Q. And you have been under his charge ever since?—A. Yes, sir.
Q. You said that the captain knocked you down, and beat you, and kicked you?—A. Yes, sir.
Q. How did that happen?—A. Because I hadn't coffee at six o'clock.
Q. When the captain found that you had not coffee at six o'clock, did he just come up to you and knock you down, or what did he do?—A. He hit me on the body and then knocked me down.
Q. Did he say anything to you?—A. No, sir.
Q. Did he tell you what he knocked you down for?—A. No, sir.
Q. You had no words with him?—A. No, sir.
Q. You signed the ship's articles, did you not?—A. I signed my name, just.
Q. To the ship's articles?—A. Yes, sir.
Q. And when this disturbance took place you were still a part of the ship's crew?
(Objected to by Mr. Warwick.)
A. I was still there.
Q. When this occurrence took place you were still part of the ship's crew?
(Objected to by Mr. Warwick. Question withdrawn.)
Q. You were not discharged until after this disturbance took place?—A. I was told to go ashore.
Q. But that was afterward, was it not; that was after this disturbance occurred?—A. Yes, sir.
Q. On Tuesday morning, when you came to the consulate to receive your money, you signed a paper, did you not?—A. Yes, sir; I signed my name to it.
Q What was the paper?—A. I do not know what the paper was; but he told me to sign the paper—the consul did.
Q. Did he not explain what the paper was?—A. He did not.
Q. You can read and write, can you not? A. Yes, sir.
Mr. WARWICK (to Mr. Gibbons, jr.). When was this?
Mr. GIBBONS, Jr. On Tuesday morning.
(To the witness.) This paper was signed at the time you were paid off, was it not?
The WITNESS. Yes, sir.
Mr. WARWICK. That is, after this disturbance?
Mr. GIBBONS, Jr. After this disturbance; on the following day.
Mr. WARWICK. I do not see what connection this case has to do with anything that happened on the following day.
Mr. GIBBONS, Jr. (Handing a paper to Mr. Warwick.) Do you want to see that?
Mr. WARWICK. (After examining the paper.) I object to that.
Mr. GIBBONS, Jr. I intend to hand that paper to the witness, for the purpose of identification at present.
(To the witness.) Look at that paper. [The paper shown the witness.] Is that the paper you signed?
The WITNESS. Yes, sir.

Mr. WARWICK. The commonwealth rests here.

Mr. VALENTINE. Of course the question as to the jurisdiction of this court might be raised by a demurrer to the evidence as this case now stands, and I think fully raised. I am, however, only mentioning this to your honor because, in case of necessity, I may want to raise that question, although I think it possible that that question can be avoided. I do not think that we ought to be called upon to meet a question if we can avoid it, and thus save both ourselves and your honor all trouble in relation to it.

Judge FINLETTER. I think the time to raise the question to which you allude would be in the defense.

Mr. VALENTINE. At the same time I have certain points which I desire to submit.

Judge FINLETTER. The proper time for you to submit them will be when you submit your defense, when you can ask me to rule upon them.

Mr. VALENTINE. That is what I mean. I only mentioned this matter because the question of jurisdiction under the treaty is a question which I thought might possibly be avoided, and I take it for granted that we should avoid any question which it is not necessary to raise.

Judge FINLETTER. That is all right; but we know nothing about the treaty now. That cannot be raised as a matter of cross-examination. It had better be introduced as matter of defense.

Mr. VALENTINE. I am not requesting your honor to take up the consideration of the treaty at the present time. I only refer to it as a matter of which your honor is bound to take notice.

Judge FINLETTER. I am only bound to know that there is such a treaty when you call my attention to it in some way. In other words, you must plead under the treaty. Your defense must be under it. You have a right to waive it, and the court may assume that the defendant has waived that right under the treaty, unless the attention of the court is called to it, and unless he specifically sets it out.

Mr. VALENTINE. I want to follow your honor's suggestion; but I was under the impression that under the Constitution of the United States the treaty was a matter to which I ought to call your honor's attention, just as I should call your honor's attention to any law. Under the sixth article of the Constitution of the United States your honor is not a judge whose duty it is to administer the law, according to the State of Pennsylvania, in a case like this, but the treaty to which I have referred becomes the supreme law of the land, expressly binding upon your honor.

Judge FINLETTER. But I am not compelled to take notice of the treaty until it is properly put in evidence before me. I cannot compel the defendant to raise that defense. It is for the defendant to raise that question and not for the court; and, until he does raise it himself, in some way, I assume that he has waived that defense.

Mr. VALENTINE. By raising it, I mean simply to call your honor's attention to it. A treaty of the United States is something which your honor is as much bound to take notice of as of the laws of the United States.

Mr. WARWICK (to Mr. Valentine). Do you raise it now as a defense?

Mr. VALENTINE. I was just calling the attention of the court to the suggestion of the treaty, and perhaps looking for an intimation from his honor as to whether I had better raise it. I do not want to raise it now, unless his honor desires to have it raised in this way, because if this defendant can be acquitted under the evidence, as we have not the slightest doubt he can be and will be, then I do not want to go into that question at all. In other words, I do not want to raise an unnecessary question, but prefer to economize time.

Judge FINLETTER. At present, it is not possible that the defendant could be acquitted as the case stands.

Mr. VALENTINE. As I desire to avoid any question under the treaty, I think we had better proceed to try this case under the evidence. I have prepared a few points in reference to the treaty, which I can afterwards submit to your honor; but I will raise that question at a future stage in this proceeding.

Judge FINLETTER. You cannot raise any point until it is presented.

Mr. VALENTINE. I think I really ought to refer your honor to the very words of the sixth article of the Constitution of the United States.

Judge FINLETTER. If you will allow me to suggest it, I think the easiest way to try this case is to open your defense, that, first of all, no assault and battery was committed, and in the second place, if there was a case of assault and battery made out, then, under this treaty between the two countries, this court has no jurisdiction.

Mr. VALENTINE. I have points that present that question, as I have already intimated.

Judge FINLETTER. But your points must be based upon evidence, and I have no evidence before me in relation to the treaty. Do you wish to present evidence in reference to it now?

Mr. VALENTINE. I do not want to do so, now. I only wanted to say to your honor that my view of this case is that it should be tried as any ordinary case would be,

and then, afterward, to present these points which I have prepared, in order that your honor might then decide whether or not this case was within the treaty.

Judge FINLETTER. That is right.

Mr. VALENTINE. I agree with your honor. I see no reason why this case should not be tried as an ordinary case, reserving all questions that may come up hereafter for future consideration. I simply cite the language of the sixth article of the Constitution of the United States, which is: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

THE CASE FOR THE DEFENDANT.

Mr. GIBBONS, Jr., opened the case for the defendant as follows:

With submission to the court, gentlemen of the jury: The master of the bark Ararat, while lying in the port of Philadelphia, it is alleged by the prosecution, made an assault upon his cabin boy. The description of that assault you have heard given by the witness for the prosecution, who is the prosecutor himself. The defense proposes to call two witnesses: first, the master himself, who will deny *in toto* the testimony of the prosecutor. The master of the bark will admit to having in the line of his duty boxed the ears of the boy; but as to any other assault, such as has been described, to knocking the boy down, or kicking him, he will most emphatically deny it. We will then produce Mr. Westergaard, the Austro-Hungarian consul at this port, before whom this boy appeared and laid his case, immediately after this assault is alleged to have been committed, and Mr. Westergaard will also deny the statements of this boy. The consul will prove to you that the lad came to him and simply told him that the master had boxed his ears, and nothing more; that, on that statement, Mr. Westergaard said he would send for the master and inquire into the cause of the trouble; that the master was sent for, but the boy, who was then in Mr. Westergaard's office, was taken out of the office by the boarding-house runner, who had charge of him then and who has had charge of him from that time up to the present moment.

Showing these facts, our case, as far as the testimony is concerned, will be at an end, and we will ask for an acquittal, on the ground that no offense has been committed of which cognizance should be taken by yourselves.

THE EVIDENCE FOR THE DEFENDANT.

SYLVIO FERLAN sworn and examined.

By Mr. GIBBONS, Jr.:

Question. What is your name?—Answer. Sylvio Ferlan.

Q. You are master of the Austrian bark Ararat, are you not?—A. Yes, sir.

Q. And she is now lying within this port?—A. Yes, sir.

Q. I want you to speak slowly and as distinctly as you possibly can, and tell the court and jury what occurred on your bark at 6 o'clock in the morning, three weeks ago to-day, in reference to any difficulty you may have had with this boy. Speak slowly, distinctly, and loudly, so that we can hear and understand you.—A. From Sunday morning I was on my ship, and getting my meals every day, and ringing my bell for the boy to come down. I got up at half past 5, and was going, towards 6 o'clock in the morning, to ring the bell for the boy to come down. Afterward I went on deck to see where the boy was. I asked the cook where the boy was, and the boy had gone out. The boatswain says, "Here the boy comes now," and he comes in. I told him to bring me some water, and to clean my boots.

(Here ANTHONY BIAZ was sworn as an interpreter and examined.)

By Mr. WARWICK:

Question. How long have you been in this country?—Answer. About a year.

Q. Do you thoroughly understand the English tongue, so as to be able to translate it from the Austrian into our language?—A. Yes, sir.

Q. Does the witness speak Austrian or Italian?—A. No, sir; his tongue is Sclavonian; he speaks Italian, too.

Q. Have you any interest in this case?—A. No, sir.

Q. Do you know the captain?—A. Yes, sir.

Q. Who brought you into court to-day?—A. I am in the office of the agents of the vessel.

Examination of SYLVIO FERLAN resumed (the same being interpreted by Mr. Anthony Biaz).

By Mr. GIBBONS, Jr.:

Q. Narrate, as briefly as you can, what occurred on board of your bark two weeks ago at 6 o'clock in the morning in reference to any difficulty you had with your cabin boy.—A. I got up, on board, along about half-past 5. As usual, I rang the bell for the boy. The boy did not come, and I went on deck and asked, "Where is the boy?" The cook said the boy would not come down. After a while the boy came down, and I told the boy to bring me some water to wash my face and hands, and to black my boots. I asked the boy, "Why didn't you come down and do your work?" and at the same time I slapped him over the mouth, and told him to go to hell. I went away, and when I came back I did not find the boy on board. The boy had gone ashore.

Q. Did you knock the boy down?—A. No, sir.

Q. Did you kick him?—A. No, sir; I simply slapped him in his face.

Q. How many times did you slap him in the face?—A. Two times.

Q. Did you do anything else to him?—A. No, sir.

Q. Did you hurt him?—A. No, sir.

Q. Did you drive him ashore?—A. No, sir. I growled at the boy, because he did not do his work; but I did not drive him ashore.

Q. Your vessel is an Austrian vessel?—A. Yes, sir.

Q. And this boy signed articles at Belfast?—A. Yes, sir.

Q. (A paper handed the witness.) What is that document?—A. That is the crew list.

Q. Did the cabin boy sign that list?

(Objected to by Mr. Warwick.)

A. Yes, sir.

Q Are those the articles that the boy signed?—A. Yes, sir.

Q. He says he shipped in Belfast, to return to Belfast; is that so?—A. He shipped in Belfast to return to some place in Europe.

Q. And he was discharged here in Philadelphia?—A. Yes, sir; by mutual consent.

Cross-examined by Mr. WARWICK:

Q. This is the book in which Hamilton Stewart appears as a cabin boy, and shipped in Belfast to take a voyage from the port of Belfast to the United States, and to return to some port in Europe?—A. Yes, sir.

Q. How much was he to receive?—A. One pound a month.

Q. And you say that he was discharged here, in Philadelphia, by mutual consent?—A. Yes, sir.

Q. Did not you drive him from the bark and send him off?—A. No, sir.

Q. When you told him to go to hell, did not you tell him to go ashore?—A. Not that morning; no, sir.

Q. Did not you discharge him?—A. I told the boy, "If you don't want to work, you can go to hell."

Q. Then you told him to go away, did you not; you told him to leave the bark; to go off?—A. No, sir.

Q. When a man signs articles with you, say, for instance, in Belfast, to go from Belfast to Philadelphia, and then to be returned to some European port, do you allow that man to go, without objection, after you reach this port?—A. No, sir.

Q. Do you let your men go from your vessel without any let or hindrance; do you allow your sailors and cabin boys to go from your vessel after you reach port?—A. No, sir.

Q. Then when you told this cabin boy to go to hell, did not you send him ashore?—A. No, sir.

Q. Did you see him go from the boat to the shore?—A. No, sir; I went down into the cabin.

Q. Did you see the boy leave?—A. No, sir; the mate told me that the boy had gone.

Q. Did you kick this boy?—A. I slapped him over the mouth.

Q. Did you box him over the ears and over the mouth?—A. Over the face.

Q. Did you knock him down?—A. No, sir.

Q. Did you kick him?—A. No, sir.

Q. Did you strike him about the body?—A. No, sir.

Q. Why did you strike him over the face or about the ears?—A. I did not find any water in the cabin, and I was very angry that he did not leave any water in the cabin.

Q. What time did you get up that morning?—A. Half past five.

Q. What time was it usual to have the boy bring the water?—A. Any time; half past five, six, or seven; but that is not the question. I asked him to bring it that morning, and he did not bring it.

Q. And then, when he came down stairs, you slapped him in the face?—A. Yes, sir.

Q. It was your agreement with him to carry him back to Belfast or some port in Europe?—A. Yes, sir.

Q. And not to leave him in Philadelphia, or some port in this country?—A. Yes, sir.

Q. And you left him go in Philadelphia?—A. Yes, sir.

LARS WESTERGAARD sworn and examined.

By Mr. GIBBONS, Jr.:

Question. You are the Austro-Hungarian consul at this port, I believe?—Answer. Yes, sir.

Q. Will you please narrate what occurred at the consulate on the first visit of the prosecutor in this case?—A. On Monday, May 14, the boy you have seen here came to me and stated that he belonged to an Austrian vessel in this port under Captain Ferlan. I told him to wait a moment until I could produce the crew list. I produced that, and I then inquired of him what the matter was. I asked him his name and his age. He said he was a cabin boy who had shipped in Belfast; that his name was Hamilton Stewart; and that he had shipped to come in this vessel to Philadelphia. I found that he had shipped to return from the United States to a port in Europe. I asked him if he had shipped to go home on the bark, and he said "Yes." I asked him what he wanted, and he said that he had demanded to be put off. I told him he could not demand to be put off, and that he could not be discharged other than by mutual consent between him and the captain. He then said that on that morning the captain had beaten him. I asked him what that beating consisted of, and he said the captain had slapped his face and boxed his ears. I asked him if he could show on his body where he had been bruised, or where he had suffered ill-treatment, and he said "No." I told the boy to remain, and that I would send for the captain; but, strange to say, the boy did not remain. He was in company with a runner. The runner beckoned to him, or stepped over to him and told him something. I told the runner that if the boy had come to me for protection I would give it to him fully and fairly; but, strange to say, the runner had more influence over that boy than I, as consul, and the boy ran away. I sent for the captain, and the captain came, and I told him what the boy had said, that he had slapped the lad's face and boxed his ears; and the captain said that the boy had not only been insubordinate, but had refused, point blank, to do his duty.

Q. Did the boy, at this first interview, tell you that the captain had kicked him?—A. He never told me anything of the kind.

Q. He says he did; is that true or false?—A. It is false.

Q. What did he tell you?—A. Simply this: When I said to him, "Where and when did this occur?" he said, "This morning, in the cabin, when we were alone." I said, "What did the captain do?" He said, "He slapped me in the face and boxed my ears." Never did he open his mouth about the captain's having kicked him or knocked him down. He never opened his mouth to me on that point.

Q. And the next day you paid him off?—A. Yes, sir; the next day.

Cross-examined by Mr. WARWICK:

Q. When the boy came to you, did not he complain of being injured?—A. No, sir; he did not.

Q. Did not he say he had been hurt in the body?—A. No, sir; he did not.

Q. Is it customary for a cabin boy to complain of a box over the ear?—A. It is very customary for a boy, or a man, employed on a vessel to find some cause of complaint in order to be paid off, so as to make a new contract, and get the high rate of wages ruling here.

Q. Did this boy tell you he had been ordered off the vessel, and had been told by this man to get off and go to hell?—A. On the contrary, I asked the boy if he had got permission to leave the vessel, which is the first question which is to be asked of a sailor who comes to see a consul. No captain can deny a sailor the privilege of going ashore at a proper time, but, at the same time, the captain must give any individual the permission to go to the consul. I asked the boy if he had had permission to go ashore.

Q. Well, what did the boy say?—A. The boy said he had not had permission.

Q. Did not he say he had been driven off of the vessel?—A. No, sir; he did not. The language he mentioned here to-day he never used to me. I never heard those words.

Q. Did not the boy complain of having been injured, or having been kicked, or having been beaten?—A. No, sir; he did not.

Q. Why did he come to you and ask your assistance if he had not been beaten, and had only been boxed over the ears?—A. He said he did not want to remain on that vessel; that he could not get along with the captain.

By Mr. GIBBONS, Jr.:

Q. I understand you to say that it is a very common thing for foreigners coming to this port from foreign ports, who have contracted to return to another foreign port, to endeavor to be discharged from the vessel on which they are, for the purpose of obtaining an advance in their wages?—A. Yes, sir; that is a question we are constantly called upon to meet in our experience with men on foreign vessels.

By Mr. WARWICK:

Q. Did the boy tell you he had been beaten or had been hit?—A. I distinctly asked him the word "beaten," and he said the captain had struck him in the face. He never stated to me that he had suffered any bodily harm, or that his body had been bruised, or that he had suffered any damage.

Q. Did the boy say he had been beaten in the face?—A. I think he used the word "slapped."

Q. Were there any bruises on his face?—A. There certainly were none.

Q. No appearance of bruises, or of old blood?—A. There was no blood on him then, any more than there was to-day; there was not a spot.

Q. Were you cross with this boy when he came in?—A. No, sir. I think I am too well known in this community to render such a question necessary. I am not a cross-tempered man.

Q. Answer the question. Were you cross to this boy?—A. Do not misconstrue my emphasis. I was not cross to him, by any means. On the contrary, I was very kind to him. When I said to him, as consul, to remain in the office and I would investigate his case, he said "No." There was one with him who had more influence with him than I had, and who took him away.

Mr. GIBBONS, Jr. That is the case for the defendant.

Mr. WARWICK. I would like to call the boy and ask him one or two questions. (To Hamilton Stewart.) When you went to the consul, did you get any satisfaction from the consul?

Mr. GIBBONS, Jr. I object to that. That has all been gone into before.

Judge FINLETTER. Yes. That question cannot be reopened now.

Mr. WARWICK (to Hamilton Stewart). Did you tell the consul that you had been beaten in the face?

Mr. GIBBONS, Jr. I object to that.

Judge FINLETTER. That question cannot be asked now.

Mr. WARWICK (to the court). Shall we go to the jury, or leave it on your honor's charge?

Mr. VALENTINE. I suppose it is not necessary to go into any other question but the question of the assault; but I would like an intimation from your honor and from the prosecuting attorney in reference to that.

Judge FINLETTER. If the question is raised, I shall undoubtedly charge that the treaty does not apply to crimes or misdemeanors committed in the port of Philadelphia. Again, I shall charge specifically that the captain of a vessel is absolute on board of his vessel, is entitled to absolute obedience, and may enforce that obedience by reasonable force or imprisonment, so that the only question the jury will have to determine here is whether the force used upon that occasion was reasonable or not.

Mr. VALENTINE. My thought was that it was possible, under the evidence as to the character of the transaction, that your honor and the prosecuting attorney might think there was no case to go to the jury.

Judge FINLETTER. That is for the district attorney to decide.

Mr. WARWICK. I think the case should go to the jury.

Mr. VALENTINE. Then I will hand to your honor my points in reference to the question of jurisdiction, so that your honor can reply to them, in case you think it necessary to charge the jury.

(Here Mr. Valentine handed his points to the court.)

ARGUMENT OF CHARLES F. WARWICK, ESQ.

Mr. WARWICK then addressed the jury as follows:

With submission to your honor, gentlemen of the jury: This is a question which has assumed some importance, simply because it has been said that the jurisdiction of the State of Pennsylvania did not attach to a case of this kind. However, with that point of law you have nothing to do. If an assault and battery was committed on that cabin boy by the captain of the vessel, and the captain of the vessel went beyond his authority in that respect, and if the captain beat or abused that boy, under the law of this commonwealth and in this jurisdiction, he can be convicted of that offense. That is unquestionable; and if an assault and battery has been made out to your satisfaction in this case, the captain of this bark Ararat, Sylvio Ferlan, can be convicted of the offense.

Therefore the only question for us to consider is whether there has been an offense committed, as we understand it, under our laws. An assault and battery is a blow struck with the open hand, or the fist, or an instrument, or an implement of any kind, character, or description, if it be pointed at or if it be lifted against a person. If there be a stroke, if there be but the touching of the body, with the intention to do bodily harm, then the assault and battery is made out, and the crime is complete, and conviction can be had.

This case, however, differs from most other cases. If I were to seize a boy in the street and box his ears, that would be an assault and battery; but it is a very well-known fact that on a vessel it is entirely different, while upon the water. The rules and the regulations governing a vessel give more power to the officers of a vessel than an officer would have upon dry land. Again, it has been held that the deck of a vessel is the territory of the land whence she comes, and that an American vessel upon the high seas, with her flag flying at the topmast, is a part of the territory of the United States, as far as her deck is concerned, and if a stranger dare to put his foot upon that territory he touches our soil. A child born under that flag, upon a vessel of the United States, is born upon American soil, and is a native of this country, just the same as you or I, or a babe that is brought forth here upon our native land. When the vessel is at sea, when the crew are under the control of the captain, the captain has more power to preserve order and discipline than he, as a private citizen or individual, could have upon the land. And that is absolutely necessary. And why? Because the captain is the supreme officer, and he has charge of everybody who is upon his vessel. Order must be had; discipline must be secured; and if his orders are broken or the discipline be violated the vessel might not reach port safely, and very great damage might be done. If a captain on board of a vessel slaps the ears of a cabin boy in order to maintain order or to secure discipline, he cannot be convicted under this bill of indictment for assault and battery. His power is arbitrary. His power is absolute as captain of that vessel. He is the ruler, and he has the right to exercise proper authority to maintain discipline and to preserve order. But he has no right, under any circumstances, to beat or abuse his men or to go beyond that mark where discipline is secured. If a boy refuses to go down stairs when the captain calls him and the captain boxes his ears, that is sufficient; but if a boy refuses to bring coffee, and the captain knocks him down, kicks him, and beats him about his body, then the captain goes beyond his authority, and for that he is amenable to the laws of the land, and he comes within the jurisdiction of this court, and he is liable to conviction, just the same as any other man is. His case is just the same as the case of a man who comes into your house and invades your premises. You can order that man out of your house, and if he does not leave you can use any reasonable and necessary force to put him out; but you cannot take a club and beat him over the head with it. You must use mild measures, with just sufficient force necessary to eject him from your house. Therefore a captain is to be held responsible to the laws of this commonwealth if he goes beyond his power as an officer of a vessel. If, after discipline is secured, he resorts to measures that are extreme, and he beats or abuses any one of his crew, without need, or if he kicks or knocks down any one upon his vessel, he is to be held responsible to the tribunals of this State, if the offense is committed while the vessel is lying in this port.

What are the facts in this case? The boy swears positively that he shipped at Belfast, and came to this country to be carried back to some port in Europe, where the vessel should be discharged of her return cargo; that, while lying in this port, the captain had given him permission the night before to go off the vessel; that he came back the next morning but little later than usual, and the captain was angry because his coffee was not brought to him at the proper time; and that without further ado, the captain knocked him down, kicked him, and beat him about the body. If that was done, the captain exceeded his authority, and for that he is responsible.

Let us see if he did that. He had the right as captain to enforce order and preserve discipline on board his vessel, the same as a father has the right to enforce order and preserve discipline in his own family. The testimony is that the captain was down stairs in the cabin, and that he came up stairs and asked where the cabin boy was, and why he was not there to bring water with which the captain could wash his face and hands, and also why the boy was not there to black his boots. Just about that time the cabin boy came on board the vessel, and the captain says he told him to perform his duty, and that the cabin boy refused, and that then he boxed the boy's ears, slapped him about the jowls, in the way you have heard described, and told him to go to hell. I do not know whether the captain meant that the boy should understand that by hell he meant the land, but, at any rate, the boy understood him to mean that he must go on shore, and the boy left the vessel and went to the consulate and met Mr. Westergaard, who had an investigation of this matter, and subsequently the boy got his wages.

The testimony of the boy is that the captain knocked him down, beat him, and struck him on the body. The testimony on the other side is that the captain merely

struck him in the face; that he did not strike him about the body; that he did not knock him down; that he growled at him; and Mr. Westergaard, the consul, then comes forward and says that when the boy came to him to lodge his complaint, he simply said he had been smacked about the face or the ears, and did not say he had been beaten, or kicked, or bruised about the body. Thus you have the testimony of the captain, who was there, the testimony of the boy, who was there, and the testimony of Mr. Westergaard, who is this consul at this port representing Austria and Hungary.

That is this case. The boy swears that he was beaten; but I am compelled to say that he had no bruises to show, and there has been no attempt made to show that there were marks upon his body, or that there were blood stains upon his person. Mr. Westergaard says that the boy only mentioned the blow in the face, and made no reference to bruises upon his body; but you must bear in mind, in reference to that, that the boy says he did tell Mr. Westergaard that he was beaten about the body, kicked, and knocked down by the captain. It is for you to weigh the testimony, as you are the judges of the facts, and to base your verdict upon your judgment in reference thereto.

That is all I think necessary to say to you in reference to this matter. In all cases that are tried in this court we try them according to the evidence and the weight of the evidence. Therefore, if the weight of the evidence in this case convinces you that the boy was not beaten, but only slapped in the mouth, the captain must be acquitted. If the weight of the testimony shows you that the boy was beaten, kicked, and knocked down by the captain, then the captain is amenable to our laws, and must be convicted.

Mr. GIBBONS, Jr. The remarks of my friend, Mr. Warwick, have been so fair and so just that I have nothing to say on behalf of the defendant.

THE CHARGE OF THE COURT.

Judge FINLETTER then proceeded to charge the jury, as follows:

GENTLEMEN OF THE JURY: It appears from the testimony that the defendant in this case is charged with an assault and battery upon this cabin boy, the defendant being the captain of the Austrian bark Ararat, and who, at the time when the alleged assault and battery was committed, was on board his own vessel. It is proper that I should say to you that the captain of a ship, or of any vessel, has absolute control over every person on board that vessel. He has also the right to make all the rules and regulations which he may think proper for the government of that vessel and for the control of those who may be on board, whether they be there as crew or passengers; and he has the right, above all things, to absolute obedience on the part of any of the crew or any of the persons who are there under his command and direction. He has also the right to enforce all his rules by violence, by chastisement, or by imprisonment. In addition to this, he has precisely the same rights on board his vessel that a father has over his family, or the head of a house has over the inmates of his house. A captain is therefore responsible to the law only for unnecessary or excessive force or violence.

It is proper that I should say to you that these rights which belong to the captain at sea, and which are absolutely necessary at sea, remain in him even while the vessel is in port. It makes no difference that the vessel is in port, moored to the land, or whether she be on the high seas—the authority and right of the captain remain the same, and whatever may be necessary on the high seas he has a right to enforce while the vessel is moored to the dock at any particular place. And the reason of it is this: Usually the crew is shipped for the return voyage, as in this case the cabin boy was shipped for a voyage to Philadelphia and return to some European port; and, if the law, or custom, or anything else, required the captain to relax his absolute control over his vessel and over the men who are in it whilst he is in port, there would be no such thing as obedience when he would again put to sea; and, therefore, it is not only law, but it is good common sense, that he should have the same rights over his crew in port as when they are at sea.

Whilst, however, the captain has this absolute power and control, he has only the right to enforce that power, that authority, that obedience, by reasonable rules and commands. In other words, his commands, his directions and rules must be reasonable. He has no more right to ask, at sea or while in port, one of his crew to do an unreasonable thing, and has no more right to ask that an unreasonable or unnecessary command should be obeyed, than any other person has the right to make an unnecessary and unreasonable demand anywhere else. But in all cases of this character, and especially on board a vessel, the force which may be used cannot be said to be unreasonable if, under all the circumstances, such become necessary to enforce obedience and control and direction of the vessel. If it be necessary for that purpose,

s make use of that necessity to violate the rights of the sailor, still it does not w that a rule is necessarily severe because it may sometimes be violated by in- an captains.

ıe jury should also recollect that a captain on board a vessel is not protected by The laws of the United States do not reach the deck of a vessel. The laws of land cannot follow the English captain and protect him; and, therefore, under circumstances, he must be, from the necessities of the case, both a law to himself a law to those who are on board his vessel.

ıe jury would readily understand, from what I have said, that force at sea, either ınish neglect of orders or to enforce obedience, may be an entirely different thing that upon land. That at sea may be absolutely necessary which would not be ınd. Violence may be absolutely necessary at sea, which on shore might be con- ed barbarous under certain circumstances. Therefore, in arriving at any con- on upon the course pursued in this particular case, the jury are necessarily com- d to consider all these questions; and they resolve themselves into this: What- may be necessary for the protection and government of a vessel at sea must be ssary and right when considered by a jury, although the jury may not see the full absolute importance of those rules.

course what I have said applies to adults, but when you come to consider the of a cabin boy, the right of a captain is perhaps of higher authority than if the of a mere adult was considered, because the captain necessarily not only stands e relation of a captain to the cabin boy, but he stands in the relation of a father; sponsible for the government of that boy; responsible for his obedience; respon- for his being trained in an orderly and proper manner whilst he is on board his l; and therefore, in addition to the right of the captain, he has all the rights of her, and whatever a father on shore might do to his son the captain might do to in boy at sea, particularly to a boy of tender years, such as this prosecutor is.

resume that no one will question the right of a father to use reasonable force in tising his children. The father alone is responsible for the rules and regulations hich he chooses to govern his household, and the father is not responsible for tising his children in any way he thinks proper for disobedience or neglect of duty, s he chastises them in an unreasonable, unnecessary, and cruel manner. I have sitation in saying that if the captain of this vessel treated the boy in the man- n which the boy has sworn to on the stand, that the force was wholly unreason- because it was wholly unnecessary. If, however, he treated him only as the cap- himself has said, I think no reasonable man would say that boxing the ears of a boy for not obeying a regulation of the cabin or of the vessel was the use of un- nable force. Indeed, it was exactly what a father might have done under the circumstances, and what the captain had a right to do if he thought it was nec- y for him to enforce obedience on the part of the cabin boy.

ere is a conflict of testimony, a positive and direct conflict, between the testimony e captain, the defendant, and the testimony of the boy. The boy is not corroborated. ıer the captain or the boy could be corroborated by the testimony of a witness, use there was no person present; but if the boy was used as he says he was here,

Of course, in this case, the consul is a perfectly disinterested party. Indeed, he ought to be, from the position he holds, interested for the sailor and for the cabin boy, because we all know that in all cases of violence or injustice which may be suffered by a seaman from the captain, the only protection the seaman may have, wherever he may be, in any portion of the world, is the consul of the country under whose flag that captain sailed. There is nothing in this case to show that the consul has any interest in it, and from the nature of the case, and from the well-known character of the man himself, we have no reason to think he has not told the truth.

Therefore, under all the circumstances of the case, it is for you to say which of the two you will believe, whether the cabin boy or the captain. As I have already said, the boy is not corroborated, and the captain is, to a certain extent. It is, however, a matter entirely for you. It is for you to say which of the two you will believe. If you believe the boy, it is your duty to convict the captain; if you believe the captain to have told the truth about this matter, then it is your duty to acquit him. That is all I have to say to you on the subject.

Mr. VALENTINE. Your honor has not answered my points.

Judge FINLETTER. I have refused the points. I do not think it necessary to read them.

Mr. VALENTINE. Will your honor kindly note an exception to your ruling in that respect?

Judge FINLETTER. I have noted an exception, generally, to the refusal of the points.

The points presented by Mr. Valentine, and refused by the court, were as follows:

COMMONWEALTH OF PENNSYLVANIA }
vs.
SYLVIO FERLAN. }

DEFENDANT'S POINTS.

"1. That as the bark Ararat, on board of which the alleged assault was committed, was, according to the evidence, at that time an Austrian vessel, lying in the port of Philadelphia, and the alleged assault was committed by the captain on one of the crew of said vessel, that the case had been heard and disposed of by the Austrian consul at the said port, and neither of said persons were American citizens, and the said alleged assault was not a difference of a nature to disturb the peace and public order in port or on shore; therefore, as a matter of law, under the treaty between the United States and the Empire of Austria, dated the 11th day of July, 1870, this court has no jurisdiction of the alleged offense, and you should find the defendant not guilty."

Refused. Ex.

T. K. FINLETTER.

"2. That the differences on board this bark were not of a nature to disturb the peace and public order, in port or on shore, and that this court, under the treaty between the United States and the Empire of Austria, dated the 11th day of July, 1870, has no jurisdiction of the offense, and that therefore you should render a verdict of not guilty."

Refused. Ex.

T. K. FINLETTER.

"3. That under the treaty between the United States and Austria, dated July 11' 1870, this court has no jurisdiction, under the facts in this case, and therefore you should find the defendant not guilty."

Refused. Ex.

T. K. FINLETTER.

At the conclusion of the charge of the court, the jury, without leaving the box' rendered a verdict of not guilty.

No. 17.

Mr. Davis to Count Weissenfeld.

DEPARTMENT OF STATE,
Washington, June 27, 1883.

COUNT: I have the honor to acknowledge the receipt of your note of the 7th instant, in further relation to thecase of Capt. Sylvio Ferlan,

of the Austrian bark Ararat, which has heretofore been the occasion of correspondence between your legation and the Department.

The stenographic report of the proceedings in the court of quarter sessions of Philadelphia in Captain Ferlan's case (see *ante*) have been found so useful to an understanding of the points of international and municipal law involved that I have caused it to be printed for the use of the Department, and I have pleasure in sending you three copies as of probable convenience to you.

The difficulty in the case appears to have been that while Judge Finletter was ready to consider the application of the treaty to the charge before him, he found himself unable to decide the question of jurisdiction without having the facts on which consular jurisdiction was claimed under the treaty, as well as the pertinent provision of the treaty itself, brought before him as part of the defendant's case, in regular manner, on actual trial. While I can appreciate the dilemma of a judge so situated, with a charge before him which is cognizable if substantiated and not cognizable if unsubstantiated, I am yet willing to admit that it seems contrary to the results which it is believed both Governments desired to attain by the treaty to require the question of competence of jurisdiction to be tried as a part of the case, and the treaty itself to operate only as an instrument of defense.

The papers in the case have been submitted to the Attorney-General of the United States, with an expression of the views of the Department, and consideration has been asked, to the end of assuring the execution of the intent of the treaty provision in question.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

No. 18.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *November* 9, 1883. (Received November 9.)

SIR: With your letter of June the 27th of this year, relating to the case of the Hungarian ship Ararat, Capt. Sylvio Ferlan, in the conflict arisen between the local jurisdiction and the consular jurisdiction at Philadelphia, the latter having been claimed in virtue of our treaty, you have kindly informed the then chargé d'affaires, Count Lippe, that all the papers have been submitted to the honorable Attorney-General of the United States, with an expression of the views of your Department, and consideration been asked, to the end of assuring the execution of the intent of the treaty provisions in question.

Since that time left without any further communication, I should feel very much obliged if you could give me the opinion expressed by the above honorable gentleman in the matter, and acquaint me with your advice how to act in order to avoid for the future the discrepancy of conception of our treaty rights by municipal authorities.

Further, I venture to remind you, sir, of your personal promise to let me have a well-digested reply of your Government to the question of our Government on international law, as laid before you in a similar case (viz, ship Mimi P., Capt. A. Randich) in a memorandum annexed to my letter of the 19th February last.

I must add that at my last stay in Vienna I ascertained that our minister lays much stress upon knowing your personal opinion in that particular point of international law.

Accept, &c.,

SCHAEFFER.

No. 19.

Mr. Frelinghuysen to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, November 13, 1883.

BARON: I have the honor to acknowledge the receipt of your note of the 9th instant, in relation to the cases of the captains of the Hungarian merchant vessels Ararat and Mimi P., in which you request, on behalf of your Government, to be put in possession of the views of the Government of the United States on the question of local jurisdiction involved in the case referred to.

I inclose herewith a copy of an opinion of the Attorney-General of the 9th July last, in response to the request I made of that functionary on the 27th of June of the same year, and of which I had the honor to inform Count Lippe-Weissenfeld.

Your contention rests on the eleventh article of the consular convention concluded between the United States and the Austro-Hungarian monarchy on the 11th July, 1870. The article referred to is in the following words, namely:

> Consuls, vice-consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have, therefore, the exclusive power to take cognizance of and to settle all diff-rences which may arise at sea or in port between captains, officers, and crew in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation.
>
> The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance. Except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance if required by the consuls, vice-consuls, or consula agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel of every person whose name is found on the muster rolls or register of the ship or list of the crew.

I find no difficulty in agreeing with your statement, that by the general principles of international law private or merchant vessels entering the ports of another nation than their own are subject to the local jurisdiction; and I also recognize at once the convenience and desirability of the rule you suggest as that adopted by France, and followed by some other nations, that local courts should decline to take jurisdiction of cases involving acts of mere interior discipline of the vessel. Such, indeed, has been the course recommended by the executive branch of this Government to the courts, and it gives me pleasure to be able to add that both the Federal and State courts have as a general rule conformed their proceedings in such cases to that suggestion. These tribunals, however, are bound under the Constitution and laws of the United States to entertain every complaint in which is presented a *prima facie* case of violation of the local laws, and it consequently becomes necessary in such cases that the judge should hear the evidence before he is able to determine whether the case is one of mere discipline connected with the ship, or whether it is of such a nature as to

involve a disturbance of the public order in port or on shore; and bound by the same constitutional and statutory provisions the Executive branch of the Government must refrain from all interference with the judicial tribunals in regard to cases or questions that may be pending before such tribunals. No doubt is entertained, however, but that the declarations of the courts will always be had, and their decisions be always rendered with a due regard for the obligations of the Government under its treaty stipulations with foreign powers.

The President, I need scarcely add, will ever deem it his duty to give full effect, in spirit and in letter, to the provisions of the convention of July, 1870, between this Government and that of Austria-Hungary, which you so worthily represent.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Brewster to Mr. Frelinghuysen.

DEPARTMENT OF JUSTICE,
Washington, July 9, 1883.

SIR: Your communication of the 27th ultimo has received my consideration.

The judges of the State courts are sworn to support the Constitution of the United States, and it is consequently their duty to give effect to all valid laws and treaties of the United States, because the Constitution expressly provides that they, as well as the Constitution itself, "shall be the supreme law of the land."

To compel the performance of this constitutional duty by the State courts there is but one way known to the law, and that is by writ of error from the Supreme Court of the United States.

But in cases such as the one presented in the record accompanying your communication, being cases pending in courts of general criminal jurisdiction, the question of jurisdiction should, as a general rule, be raised by plea, and not under the general issue.

This, I conceive, disposes of the question submitted.

I have, &c.,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

No. 20.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *November* 21, 1883. (Received November 22.)

SIR: I have the honor to acknowledge the receipt of your letter dated 13th instant, with respect to the unfortunate affairs of the two Hungarian ships, Mimi P. and Ararat, in Philadelphia.

I cannot but express my sincerest thanks for the compliance with my request by which you enable me to give to my Government a detailed reply, so urgently asked for by them.

Accept, &c.,

SCHAEFFER.

I must add that at my last stay in Vienna I ascertained that our minister lays much stress upon knowing your personal opinion in that particular point of international law.

Accept, &c.,

SCHAEFFER.

No. 19.

Mr. Frelinghuysen to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, November 13, 1883.

BARON: I have the honor to acknowledge the receipt of your note of the 9th instant, in relation to the cases of the captains of the Hungarian merchant vessels Ararat and Mimi P., in which you request, on behalf of your Government, to be put in possession of the views of the Government of the United States on the question of local jurisdiction involved in the case referred to.

I inclose herewith a copy of an opinion of the Attorney-General of the 9th July last, in response to the request I made of that functionary on the 27th of June of the same year, and of which I had the honor to inform Count Lippe-Weissenfeld.

Your contention rests on the eleventh article of the consular convention concluded between the United States and the Austro-Hungarian monarchy on the 11th July, 1870. The article referred to is in the following words, namely:

> Consuls, vice-consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have, therefore, the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers, and crew in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation.
>
> The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance. Except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance if required by the consuls, vice-consuls, or consula agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel of every person whose name is found on the muster rolls or register of the ship or list of the crew.

I find no difficulty in agreeing with your statement, that by the general principles of international law private or merchant vessels entering the ports of another nation than their own are subject to the local jurisdiction; and I also recognize at once the convenience and desirability of the rule you suggest as that adopted by France, and followed by some other nations, that local courts should decline to take jurisdiction of cases involving acts of mere interior discipline of the vessel. Such, indeed, has been the course recommended by the executive branch of this Government to the courts, and it gives me pleasure to be able to add that both the Federal and State courts have as a general rule conformed their proceedings in such cases to that suggestion. These tribunals, however, are bound under the Constitution and laws of the United States to entertain every complaint in which is presented a *prima facie* case of violation of the local laws, and it consequently becomes necessary in such cases that the judge should hear the evidence before he is able to determine whether the case is one of mere discipline connected with the ship, or whether it is of such a nature as to

involve a disturbance of the public order in port or on shore; and bound by the same constitutional and statutory provisions the Executive branch of the Government must refrain from all interference with the judicial tribunals in regard to cases or questions that may be pending before such tribunals. No doubt is entertained, however, but that the declarations of the courts will always be had, and their decisions be always rendered with a due regard for the obligations of the Government under its treaty stipulations with foreign powers.

The President, I need scarcely add, will ever deem it his duty to give full effect, in spirit and in letter, to the provisions of the convention of July, 1870, between this Government and that of Austria-Hungary, which you so worthily represent.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Brewster to Mr. Frelinghuysen.

DEPARTMENT OF JUSTICE,
Washington, July 9, 1883.

SIR: Your communication of the 27th ultimo has received my consideration.

The judges of the State courts are sworn to support the Constitution of the United States, and it is consequently their duty to give effect to all valid laws and treaties of the United States, because the Constitution expressly provides that they, as well as the Constitution itself, "shall be the supreme law of the land."

To compel the performance of this constitutional duty by the State courts there is but one way known to the law, and that is by writ of error from the Supreme Court of the United States.

But in cases such as the one presented in the record accompanying your communication, being cases pending in courts of general criminal jurisdiction, the question of jurisdiction should, as a general rule, be raised by plea, and not under the general issue.

This, I conceive, disposes of the question submitted.

I have, &c.,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

No. 20.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *November* 21, 1883. (Received November 22.)

SIR: I have the honor to acknowledge the receipt of your letter dated 13th instant, with respect to the unfortunate affairs of the two Hungarian ships, Mimi P. and Ararat, in Philadelphia.

I cannot but express my sincerest thanks for the compliance with my request by which you enable me to give to my Government a detailed reply, so urgently asked for by them.

Accept, &c.,

SCHAEFFER.

CENTRAL AMERICA.

No. 21.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 56.] LEGATION OF THE UNITED STATES,
Guatemala, January 8, 1883. (Received February 3.)

SIR: President Barrios returned from his visit to the United States and Europe early in November last, but he did not resume his official duties until the 6th instant, General Orantes continuing, in the mean time, to act as chief Executive.

Long before his return it was currently reported and understood that his principal object would be to resign the Presidency. * * *

On the 29th ultimo President Barrios sent a message to the National Assembly of Guatemala, then in extra session, tendering his resignation. He states that he is impelled to take this step on account of his impaired health and the impossibility of a restoration, while dedicating himself unceasingly, as in past years, to the wearisome labors of its Presidency. He expresses his belief that the time is opportune for his resignation, the internal peace of the country being assured, its foreign relations in every respect satisfactory, the boundary question with Mexico settled, and with no other country is there cause for disagreement; as from abroad there is nothing to fear, so at home there is much to hope for. Under these circumstances he asks the Assembly to accept his resignation.

The Assembly, in response to the message, while appreciating the President's motives, declines to accept his resignation; it refers to the alarm the news has created among the people, that the towns (*pueblos*) have appealed to the Assembly not to accept it, and evidently not concurring with him as to the assurance of internal peace, manifests apprehension in regard to the reactionary party, and that the progress of the past few years may be arrested by the rude hand of anarchy. * * * General Barrios has, beyond all question, a strong hold upon the affections of certain classes of his own people who do not belong to the so-called reactionary party, and even among the latter he would be preferred to any one who would be likely to succeed him in the Presidency. The gist of the document, however, appears to be embraced in the following paragraph:

> Although the Assembly has deemed it a duty not to accept the resignation, it promises to find some medium which may conciliate the demands of your health with the necessity for your services. This measure may be adopted in the coming ordinary session, when, perhaps, events may have transpired in relation to the Central American union which shall have made it possible for you to select a favorable expedient for obtaining the conciliation desired by this legislative body.

It is understood, I am informed, that in the event that the project of a union of these states should not be carried out, the measure suggested by the Assembly will be to offer the President a leave of absence. This will be decided in the ordinary sessions of the Assembly in March next.

General Barrios accepts the decision of the Assembly, and on the 6th instant he issued an address to his people, announcing the fact and

his resumption of the Presidency, although for a short time; he incites them to labor for the development of the country, gives a glowing statement of its natural resources, requiring only the will and effort to yield abundant treasures in return; he believes his country may become prosperous, wealthy and happy if all will ,unite to that end, each with his labor, his intelligence or capital.

In the mean time the subject of a union of the Central American states has been revived, and a member of General Barrios's cabinet has been sent, I am informed, on a mission to the other states with the object of inducing their Governments to enter into a compact for the promotion of the project. It is known that the Presidents of Honduras and Salvador are already pledged to its support; there is doubt, however, in regard to Nicaragua and Costa Rica. * * * President Zaldivar, of Salvador, visited General Barrios in November last, and, it was then understood, with reference to this project of a union of the states; but, if reports can be credited, it finds no favor with the people of that state, of which he has received, since his return, unmistakable proofs. * * *

Very respectfully, &c..

HENRY C. HALL.

No. 22.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 85.] LEGATION OF THE UNITED STATES,
Guatemala, March 27, 1883. (Received April 16.)

SIR: In my dispatch No. 56, of the 8th of January ultimo, I reported certain movements initiated by General Barrios for forming a union of the Central American states and the departure of a commissioner of the Government of Guatemala appointed to visit the other states, with the object of inviting the co-operation of their Governments in some general plan for carrying out the contemplated measure. There was no secrecy in this movement. The subject was publicly and freely discussed. * * *

It was generally understood, also, that the Presidents of Salvador and Honduras were in full accord with General Barrios's plan, and that the only doubt as to the practicability of its realization was in regard to the disposition of the Governments of Nicaragua and Costa Rica.

The Guatemalan commissioner arrived at the capital of Salvador about the 10th of January. Here he was joined by Mr. Gallegos, the Salvadorian minister for foreign affairs, and the two proceeded together to Honduras, where, as was to be expected, they met with a cordial reception, and received renewed assurances of concerted action on the part of the President, the Government, and influential citizens. From Honduras the commissioners proceeded to Nicaragua and Costa Rica, and from the tenor of the notices of their official receptions, addresses, and correspondence which have been published, the union of these states might be considered *un fait accompli*.

But in all of the states except Guatemala the popular sentiment, so far as can be ascertained and is permitted to have expression, is decidedly hostile to the union. In Salvador there have been popular demonstrations of unmistakable significance to that effect. * * *

There have also appeared in the several states many publications for and against the proposed union. * * *

In the mean time General Barrios * * * has brought out his circular letter, addressed to his friends of the Liberal party, in which he positively renounces all aspirations to the Presidency of the Central American union, and denounces in strong terms the ingratitude and faithlessness of those who owe everything to him. * * *

The commissioners before referred to have as yet made no report of the result of their mission. It is stated that there is to be a meeting of delegates from the several states at Santa Tecla, in Salvador. * * *

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 85.—Translation.]

CENTRAL AMERICAN NATIONALITY. (No. 1.)

I.

SAN SALVADOR, *December* 30, 1882.

In number 295 of the Diario Oficial of the 29th of the present month we have seen, with a certain degree of satisfaction, an editorial in which are made some comments upon the most important affair which has in the last few days occupied almost exclusively the public attention. And we say, "with a certain degree of satisfaction" because, not having the honor to entirely agree with the editors of the Diario Oficial, it has still pleased us to see the absurd rumors which have circulated contradicted; rumors which we have also contradicted with energy, founded on the little experience we have had, and on some knowledge that we have concerning the men and affairs of our country. It has pleased us to see satisfied a public necessity, which we all, absolutely all, have experienced, which was that of an authoritative voice which should come to bring light into the chaos of so much conjecture; finally, it has pleased us to see that to the press, that is to say, to public opinion, will be commended the decision adopted in an affair of so much transcendency.

II.

But, as we have before said, we have not the honor to agree with the opinions expressed in that article; and although separated from public life and all connected with it; although our name, which has never been distinguished, may be almost unknown, we believe it our imperative duty to raise our voice addressing men of intelligence and experience; those who are at the head of our destinies; those who, very soon, will occupy the seats of the Congress, all of our compatriots, without distinction of ranks or parties, calling their attention to the most important question being agitated; and we do so inspired by the manifestations of opinion which never, even in the days of our public life, has been hidden from us; inspired by our patriotic sentiments, the conveniences or inconveniences, the advantages or disadvantages, the possibility or impossibility of that question, without there being on our part any paltry sentiment, any bastard passion, to come and confuse us in our task.

III.

Again comes upon the carpet of Central American diplomacy the great question of nationality. Again it comes to be agitated, at a moment when no one expected it, and to absorb the attention of all. Will it be for good? Will it be for ill? This is what it is impossible to predict.

IV.

The history of this question is a history of tears and blood. That word has not been pronounced a single time by the Governments of Central America without being followed by one of those insensate struggles in which no one knows the object of the dispute, in which all lose: struggles in which we have exhausted our strength; we have destroyed our prosperity; we have closed the fountains of our progress; we have blotted our name from the great book in which the world records the names of enlightened nations; we have killed our credit; we have covered ourselves with opprobrium and shame; we have demoralized our country; and, finally, we have put off the day of its reconstruction.

The name of "Central American Union" has been the constant declaration of our wars; the incendiary proclamation which has preceded those vast conflagrations where we have lost all; the kiss of Judas under which we have disguised our hatreds; the hypocritical word with which we have hidden our miserable ambitions.

Oh, do not charge us with exaggerations; look over the brief history of our country, and it will be found that that name, which we ought not to pronounce without respectfully uncovering our heads, has been the dismal prologue of all our puerile rivalries.

V.

It is not, then, without dread that we always hear that question initiated; but, being once opened, it is necessary to examine it; we shall endeavor to do so without fear or malice. We believe, above all, that the step which is to be attempted is premature; let us examine all the Central American Isthmus and we do not find in it the elements that are essential, indispensable for the unification of its peoples. Still more, we find many, very many, opposing elements. What means shall we make use of? We can only choose two—diplomacy and the sword.

VI.

We believe and have hope in the efficacy of the former, when the question is of conciliating the interests of two nations fighting among themselves, to give a rational solution to that difficulty; we believe in it when the strong imposes upon the weak; the supreme reason of force; when it is endeavored to harmonize by its means reciprocal interests, so that they may develop, each in its sphere, without interfering in their respective movements; we believe in it when the relations between two countries being broken both parties are trying to renew them; but we do not believe in diplomacy when it wishes to constitute itself a power, substituting its voice for the voice of the nation; when it pretends to conclude conventions which opinion, necessity, and convenience reject; when it pretends to harmonize interests which interfere among themselves by their very nature, and, in fine, when it is desired that the decisions of plenipotentiaries or of a congress of them shall be the decisions of the peoples they represent.

VII.

No diplomatic combination gave unity to Italy nor to Germany in spite of the numerous endeavors to this effect, nor has any nation united its parts by similar means, except when this has been a general necessity, when it has been in the conscience of all and of each one, when it has come to be one of those national inspirations which have had the universal opinion for organ and for arm—that of the entire nation.

VIII.

Well, then, what would a diplomatic congress in Central America signify? It would signify the will or the promise of the various Governments to be present; it would signify the meeting of the representatives of those various Governments, but never public opinion genuinely represented; there would be an official representation, but not a national one, in the legitimate sense of the word; its decisions would bind those Governments, but would not bind the sentiments of the peoples, because these are far above conventions; because there are interests created during half a century of separation which cannot be easily harmonized; because there is now a certain spirit of local nationality, allow us the word, which has been exacerbated by our constant discords; because there are petty rivalries, formed in fratricidal struggles, which are easily irritated; because there is among our people a very narrow criterion to judge of these questions, born of our own dissensions; because we would have to rectify our present frontiers that there might be a stable equilibrium, a rectification impossible, because it would wound the general sentiment of those who would consider themselves defrauded, and it would be necessary to have recourse to force; because, whatever may be said, our people are yet incapable of governing themselves, and the will alone of the chief of a state would suffice to break the fragile web so laboriously woven; because our people commence to-day their political education, and look with absolute indifference on all belonging to the interior regimen; because we are divided into diverse castes, not legal but actual, not of supremacy but of blood; castes which have different degrees of civilization.

IX.

The indigenous element, preponderating in Guatemala by its number, which constitutes the great majority of that Republic, which in Salvador, Nicaragua, and Hon-

duras forms a great mass, separated in all parts from the rest of the citizens by its ignorance, is a passive, indifferent element, which lends itself to everything except to putting in practice ideas which it does not comprehend, does not know. Can our nationality, then, be reconstructed without it? We believe not.

X.

We see no necessity of refuting the second means—war. Let us look over the whole history of humanity, and we shall find Empires composed of innumerable servants; we shall find Monarchies composed of slaves instead of subjects united by the sword; never a national body constituted by it.

XI.

Common sense suffices; it is plainly to be seen that the sword neither is, nor ever has been, a band of union, but an instrument of destruction; we have to accept it as one of those social infirmities, a lamentable legacy of barbarism, and only to repulse the assaults of the latter is it legitimate to employ it. It is the genuine expression of force, never of right; and when it is not drawn against crime, it is a crime to draw it.

XII.

We are not among those who deny the advantages that the realization of the grand thought of reconstructing our country would bring us, but the obstacles to its being carried to a practical conclusion are not hidden from us. Let us suppose that without apparent opposition that end be reached, how long would it last; what result would it produce? We feel genuine affliction on consideration of this phase of the problem.

XIII.

Our social condition, it is painful to say, is much below the level of our institutions; expressing in our fundamental codes all the grand principles contained in them has served for nothing; they have remained sterile by our abandonment. In presence of the absolute forgetfulness of the people, the complete indifference with which they look upon the most sacred rights, the most sacred obligations, the governors have had to substitute fact for right; from this proceeding tyrannies like those which have afflicted Guatemala in the time of Carrera; Salvador, under a military administration, adopted by her; Costa Rica, under the government of Guardia, circumstances have not changed; they remain the same, and we ought not to hope that they will change from the simple fact of our uniting ourselves into a single nation.

Consequently, from the moment in which an ambitious governor arises in whichever of the sections, whether denying due obedience to the general power, or striving to reach the latter, we will have the national unity forcibly broken, or, erect and arrogant, the thousand heads of anarchy. And we may not be called pessimists for making this augury—speaking of peoples where ambition is ceaselessly agitated; where all believe themselves excused from exercising the sacred rights of citizenship; where all tolerate the abuses of power without protesting, but where every one thinks he has the right to ensanguine the soil of the country in the name of those rights which he has not wished to exercise; to violently pull down a power before whose abuses he has been dumb, without blushing for vile interests or childish fears.

XIV.

The unity would be therefore a weak spider web, broken before being concluded, whose meshes would be untied before the will of an intriguer, or broken at the stroke of the first saber raised against them.

XV.

Let us examine the circumstances of our various states, and see if they are such as permit us to think even of that so much desired unity. It is a law, not only political and social but also economical, that all association has the object of producing advantages to the associates. We have seen that, in the first two senses, we would obtain none; let us see to-day, and this with especial relation to Salvador and Nicaragua, what advantages we would obtain in the economic sense. First, if union were possible we are not ignorant that—our elements being united—we could undertake enterprises impossible in our present isolation; but let us see if that union is possible; let us examine if our circumstances permit us to establish such a system, if they are the same in the diverse fractions, if their economic situation is identical.

XVI.

Guatemala has an interior debt of $5,000,000, Salvador and Nicaragua of $1,500,000, approximately, each one; and Costa Rica and Honduras, although but little is known of their internal condition, should have a debt proportionally much greater considering the financial confusion of the first under the government of Guardia, and the exhaustion of the second when its present governor came into power. The appropriations of both have not been collected during some time, and we have now left the time very far behind in which such a situation was arranged by a simple decree in which a Government itself declared itself a *blameless insolvent*, cancelling its liabilities by a simple stroke of authority.

XVII.

Well, then: Can the first and the last two, with their already deficient revenues, the augmented expenditures which the new system would render indispensable, and on the diminution of the revenues they now have—as would of necessity succeed in inverse ratio to the quota of each in the general expenses—could they collect even the interest of their increased debts? We firmly believe not. It is doubtful if even Salvador and Nicaragua, whose situation is easy, could succeed in collecting their respective appropriations and the part corresponding to them in the general expense without producing a confusion, more or less complete, in their treasury. Every one knows that it would be necessary to augment the taxes, and that at a moment when the country trembles before the crisis through which it is passing, and when the people find already very heavy the weight of the present taxes.

The first three states, we do not hesitate to affirm, would be condemned to an eternal and shameful bankruptcy, to live a life without vigor, sterilizing the thousand fountains of their prosperity and well-being; or to burden the general estimate to the detriment of the last two, making the grand principle to which we aspire unproductive.

XVIII.

And if we pass from the interior to the exterior situation, the difficulties augment in an inconceivable proportion.

Numbers, in these matters, are more eloquent than words, and their rude logic leaves no place for illusions; let us make, then, a few calculations.

In approximate numbers Honduras has an exterior debt of $33,000,000, Costa Rica of $17,000,000, and Guatemala of $5,000,000, while Salvador and Nicaragua do not owe a single cent. The Central American nation, therefore, would come to the world with $55,000,000 of exterior debt, which would draw $3,300,000 interest annually. We take the liberty to ask: Could the national treasury collect this enormous sum? Every one knows it would be impossible, and the unhappy Central American people would have to leave so ponderous a legacy to their children; they would see themselves compelled to labor without truce nor rest to pay that which a few agitators have absorbed, without being able to even see in the distance the day when they would be free from this onerous tribute. One year after another would continue adding to the enormous sum above mentioned new sums, which would deepen more and more the abyss in which would be consumed the fruit of our labor, of our economy, and activity.

XIX.

It will be pretended, perhaps, that each state shall continue being exclusively responsible for its debt, and that the rest shall have no responsibility; but to that we respond that such a pretension is impossible. From the moment when the autonomy of the divers present factions disappears, to be confounded in a single autonomic entity, the condition of those credits would improve in the European markets, and the pretensions of the holders would be always more exacting, always more imperious; these claims would not wait very long, and the general Government would be besieged by agents, who would demand with arrogance the payment of what is due them. Let us recall the history of European claims in Spanish America, and we shall have the model of what would await the Central American Republic. The particular questions of each state would be converted into national questions, and perhaps we would present the melancholy spectacle that Egypt presents to-day, with its European interventions disposing, at the pleasure of the cabinets of London and Paris, of the property and fortune of a whole people.

In a circumstance like that the states which yet retain something would of necessity have to contribute to the payment of the debts of the others, replacing the European creditors in their rights; but what would it signify to Salvador and Nicaragua to be creditors of the other states? What value would the paper of Guatemala, of Honduras, and Costa Rica have for them? None, absolutely none.

The new creditors would be ruined, without saving the debtors; there would be a sacrifice so much the more painful as it would be sterile; and for tangible result we would have only ruin in the interior, derision and discredit abroad; we would be exhibited before the world in a shameful spectacle, and would prove once more our inability and our incapacity. We are frightened at the abyss to which the exaggeration of a principle desires to conduct our country.

XX.

The Central American union is the fact of the future, but only the dream of the present. It is not given to us for the present more than to develop the elements that, further on, should produce it; elements which are known to all, but which it is not unprofitable to express here.

First of all, let us educate our people, that there may be citizens in fact and not in name; let us hasten to create public opinion, without which truly republican government is impossible; let us cause our frontiers to disappear, connecting the material and moral interests of the various peoples by means of commercial relations; let us cease intervening by force in the affairs of our brothers, because pressure engenders hatred, and each armed intervention postpones, half a century, the fusion to which we aspire; let us unify our systems of custom-houses, of moneys, of weights and measures; let us harmonize our legislations, as far as may be possible, making them rest on the same principles; let us have a common representation abroad; let us cease ventilating ridiculous and petty questions with arms in our hands, carrying, not incidentally but systematically, our pleas to an arbitral tribunal, which could be composed of the Central American Governments that might remain neutral; let us obey its decisions as a law; let us have, finally, good faith in our relations; let us cease to hate each other as we have done up to the present, and let us wait.

XXI.

No, we repeat it, the Central American union is impossible for the present. Costa Rica, by its topographical situation and by its sentiments is separated from us; it would not suit Salvador and Nicaragua, in the present circumstances, to enter into such a combination. We love Central America much, but more we love this piece of soil where we were born, where the light for the first time illuminated our eyes, where our intelligence has developed, where our young heart has palpitated with the impulse of the most beautiful sentiments, where the ashes of our fathers repose, where is inclosed all, all that binds us to life, than to sacrifice it on the altars of an illusion; to exchange it for an optical phenomenon, which enchants, as does the rainbow in the skies, but which like the rainbow vanishes when we approach it, when we extend our hand to touch it.

We are Central Americans, yes; but first we are Salvadoreños. Therefore, we protest against the most beautiful, but impossible idea of reconstructing Central America.

MANUEL J. MORALES.

[Inclosure 2 in No. 85.—Translation.]

CENTRAL AMERICAN NATIONALTY. (No. 2.)

I.

SAN SALVADOR, *February* 18, 1883.

In giving to the press our pamphlet of the 30th of December of last year, we had the sole object of emitting our convictions on the important object of our union, and by no means that of initiating a polemic. We desired to keep silent, once being fulfilled that duty, for so we consider it; but the diverse manners in which we have been judged in various publications, provoked by ours, moves us to raise our voice anew.

Obliged by circumstances to consider Salvador as our country, we believe that we should watch that her *genuine* interests be not sacrificed to the *imaginary* interests of the rest of Central America, and this duty was one of the motives which guided our pen; but, disfigured by some, insulted and made sport of by others, we wish to rectify it as regards the first, paying no attention whatever to the second. We shall not have a word for them.

We have given reasons, and they answer us with scoffing and insults, thus taking the trouble to avenge us upon themselves. As little shall we say anything to those who, hiding their names, have spoken untruthfully in this matter.

We write for our country, and we do not wish nor try to deceive her, and we shall not waste our time refuting facts, whose truth, established in the public conviction, they cannot disfigure.

We *shall* have a public expression of gratitude for those who, not being of our opinion, have been pleased to make flattering references to our modest gifts and personality, like our old master and present friend, Dr. Luciano Hernandez.

II.

Once for all, in addressing our compatriots we are guided by one pole star—the truth. And whatever may be the circumstances and occurrences we obey, our pen will always be guided by it, without ever descending to offer, in the guise of incense, that nauseating thing called adulation, neither on the altars of the people nor on the altars of power.

III.

On examining the various publications provoked by ours, we have found that they do not touch the major part of our reasonings, although disfiguring some of them. We are not adversaries of the grand principle of Central American nationality; rather we proclaim it as loudly as the loudest. To examine whether it is realizable, to see if it will be a fruitful essay or a useless and bloody abortion; to weigh the obstacles which oppose it and analyze the elements which should produce it; to consider its actual results; to make patent its impossibility and inconvenience in the present moment and circumstances; to oppose, in consequence, its immediate realization, is not to promulgate the political creed of the men most noted for their retrograde ideas; is not to raise any arm whatever against the principle which occupies us; is not to defend village horizons nor narrow views; is not to kill the last hopes of realizing the legacy of our fathers, as some one has said; but, on the contrary, it is to make the autopsy of this living cadaver which is called "Central America"; it is to put the finger on the cancer which corrodes it; it is to make manifest the ulcer which is exhausting it, showing it to all men of enlightenment, of experience, and, above all, of honesty, in order that they may renew the miracle of Lazarus, removing it from its anticipated sepulcher.

IV.

The example of other peoples is invoked; the names of Italy, of Germany, of the United States, who have succeeded in union, is cited; but this has been the fruit of the constancy, the patriotism, the energy that those people have displayed, and let us also say of the necessity they have experienced from the pressure or threats of neighboring countries. Let us seek in our country for constancy and we do not find it; we see its most prominent men change their political creed many times in a lifetime—the people spitting to-day in the face of the idol they deified yesterday. Let us seek patriotism, and we do not find it; in vain do the most sacred interests call on the citizen to exercise his sovereignty, by means of suffrage; the electoral urns remain deserted and abandoned, and in place of the august representation of the people, from those urns emerge congresses impossible everywhere else and possible only in Central America. Let us look for energy, and we seek it uselessly; not a single independent voice is heard, when in the high regions of power it is not agreeable that that voice sound, although the most arduous questions, of most vital interest for the country, are being discussed. And we wish thus to reach the resolution of the capital problem which occupies us! And we dare to invoke the name of public opinion! Let us, then, not offend those peoples, putting their moral grandeur in comparison with our littleness.

V.

We do not pretend that the counterfeit of an idea is the idea itself, that should therefore be rejected; but, when it happens that the counterfeits are the current money, and that the truth is only conspicuous by its absence, it is very logical to examine carefully if that truth or only a false imitation is offered us. Well, then, since our federal compact was broken, not by the malice of a party, which all reciprocally charge upon the contrary the culpability of such rupture, but from our inexperience, from our impudence, from the inherent vices of that compact, from the mutual intransigency of the bands, we find only very bad imitations of that great principle. How strange it is that, taught by dolorous experience, we should not examine first, and examine with extreme carefulness. Do we wish to continue those puerile essays that have cost so much blood, so many tears, which have all terminated in genuine and frightful dramas? It is denied that blood has been shed in the name of the nationality; and even prescinding the struggles, that, like dying convulsions, accom-

panied it in its ruin, even confining ourselves to the brief period of our life, "Nationality and liberty" was proclaimed by the Government which succumbed in the memorable expedition of San José de Arrazola. "Nationality" was the word inscribed on the standards which fell in this city in the year 1863, and directed to this end were the agitations that all Central America suffered. "Nationality" was being treated of, when in Pasaquina resounded the first cannon in 1871. "Nationality" was talked of in the congress united in Guatemala when the struggle broke out between that and this Republic in 1875.

To-day, therefore, we fear, and we fear with reason.

VI.

We are told of Mexico, Colombia, Venezuela, and the Argentine Republic, as palpable examples of union. But Colombia, the primitive, the grand, was disrupted—never to be reorganized, and in the present Colombia, in Mexico, Venezuela, and the Argentine Republic, where the same error was committed which we are committing, of breaking unity to adopt an exotic form—federation—they do not strive to constitute this. Their various states have remained united, although in continual struggles, and the case is not identical. There they have a whole, although dislocated, united. We struggle to establish that unity, broken long ago. Thus to adduce similar examples leads to nothing.

VII.

It is imputed to us as a crime that we invoke opportunity; but do they not know that opportunity is the half of success; that the fruit is not good before it ripens? What would we accomplish by sterile attempts? Only misfortune, anarchy, and effusion of blood. Italian unity, the most beautiful dream of her most illustrious sons, sublime conception of her most powerful geniuses, engraved in the sublime and terrific pictures of the Divina Comedia, could only become a fact when the Austrian bayonets, routed in Magenta and Solferino, blunted in the fields of Sadowa, could no longer tear the vitals of that generous people. German unity, already existing many centuries before, was consolidated only when the eagles of the second French Empire were beaten down at Gravelotte and Sedan.

VIII.

Our unprogressive, politico-social mode of existence is acknowledged, but it is desired to attribute to the union a virtue it does not possess, which it cannot possess. It is pretended that with it that mode of existence would disappear to give place to a complete and radical reform. Let us not deceive ourselves. The unitarian Republic is impossible, and from necessity we have to think of the federal form; our little states would continue being what they are—that is to say, little groups in which the hand of the governor covers all, embraces all, from the greatest to the smallest; from the affair of state to the private and insignificant business of a family.

The influence of the general power would only make itself felt in the general affairs, and if emerging from its orbit, as is logical to expect, it should invade the particular ones of each state, by that fact itself we would have the equilibrium destroyed and anarchy subverting all. Not even the vast aggregations can by the sole force of their dimensions.

Russia, the most colossal Empire, is yet the prisoner of a frightful tyranny, while Switzerland, a little Republic, and Belgium and Portugal, Monarchies relatively insignificant, enjoy the most certain and complete liberty. Mexico, with 8,000,000 inhabitants, has not known a truly regular administration, while Chili, with a fourth part of that population, has enjoyed for a long time an entirely republican regimen of complete guarantees and a liberty unknown in the rest of Spanish America.

It is not political laws nor groupings of peoples which produce social revolutions; these occur in ideas, and ideas are translated afterward into adequate institutions. In Central America we have followed the opposite course, and in spite of results almost null, in spite of the demonstrations of experience, we insist on continuing it, and we see enlightened minds wedded to that absurd system.

IX.

La Republica of the first of the present month adorns its columns with a most beautiful editorial article under the title of "The National Union," in which this question is treated of with a skillful and well-handled pen, although, in our judgment, the modest author of that work spends his principal energies in an unnecessary demonstration. We are all convinced of the convenience, of the necessity of estab-

lishing the union; that the reconstitution of Central America is indispensable. We all desire this, we are all anxious for it, we are all unionists. In consequence it is useless to discuss this point; but we are not intransigent unionists, and therefore we examine if this principle is yet ripe for its application.

That article, which breathes loyalty and good faith in all its lines, accuses its author of somewhat of utopianism. With a master hand he manages the scalpel of the critic, to bring into relief our vices, our deformities, our social littlenesses; philosopher, while judging of our manner of existence, he ceases to be one on proposing the remedy for those diseases; let us form the union, he says, and those littlenesses, those deformities, those vices will disappear. Error and lamentable error! As well might health be proposed to the sick man as a panacea for his ills; the end is confounded with the means, thus failing in all. If the union is impossible for to-day, if we cannot bring it into the practical domain, if it remains until the present day as a mere speculation, it is because those vices of which we have spoken, that all know, that all confess, rise between us and our aspirations like a wall of bronze. Why do we not arise and unite our exertions to remove them?

Let us improve these moments of calm, says the writer, to lay the foundations of the old country. Oh, in this we agree entirely. Let us lay the foundations which are to sustain an edifice of ponderous weight; but let us think that to make the cement is the first thing; that this is an indispensable previous condition; that to proclaim to the sound of drums and clarions that nationality is decreed, is not to found a solid edifice, but to throw a soap bubble into the air; a bubble which not only contains air, but also all the evils inclosed in the symbolic box of Pandora.

X.

On treating of the economic questions which retard the reality of our aspirations, some affect to view them with profound contempt, with sovereign indifference; they speak of the gibbet of numbers, questions of the grocery and shop, &c. We do not look with indifference upon economic questions; if wealth was in ancient times "the sinews of war," in modern times it is the sinew which gives energy and vigor to the life of nations. We are not now in the golden age, when man ate acorns for his sole aliment and covered his nakedness with hairy skins. The progress accomplished in all senses has created new necessities as imperious as those imposed by nature itself, and to-day economic questions are of as much importance as those which relate to political and social order. Let us not disdain them, therefore; to do so is to deny material progress, the solidifier of all other progress.

XI.

They speak of extinction of the debts of our sisters, or at least advantageous arrangements that will soon be made between them and their creditors. The day when the cable shall announce us that happy news, the day when we know that the evil caused to our brothers by the unskillfulness of some or the sordid avarice of others of their sons has been remedied, we shall be the first to clap our hands, the first to exclaim, "What a grand obstacle has disappeared from the path of our aspirations!" But while it remains threatening and impassable, our finger, inflexible as that of destiny, will point it out; not to *impede with retrograde intentions* the realization of the grand thought, but in order that those who proclaim and sustain it in the sterile domain of phraseology may try it by ways logically practical.

It is useless to compare our economic situation with that of countries which in this regard march at the head of the rest. In England, to maintain the debt is a politic measure; in Central America it is impolitic. If in the United States the increase of the revenues threatens, by the plethora of the public vaults, the day of the amortization of the debt, in Central America there is no threat of other plethora than that of exhaustion, owing to the little judgment and irregularity in the management of the public business.

XII.

We are not ignorant of the extension of right nor international life, nor the modern epoch; on the contrary, founded in the knowledge of the latter, we know that nations have no moral respectability except as far as they give it, nor material respectability unless founded in numerous mouths of fire.

Abroad we are considered and treated like the Barbary States, with very little difference, owing to the fact that the scandals that are repeated with such frequency in the interior cross the frontiers, are known abroad, taken up and commented on by the press, thus giving us a barbarous physiognomy. In our international relations this influence is felt, and what would be a crime with respect to another nation is

logical and natural in the European sense with respect to us. Our physical impotence is plain to be seen, isolated or united, and merits no demonstration. With such antecedents, whatever attempt is feared, is feared with reason; and if examples are called for, there is that of Egypt, over which the eyes close involuntarily, over the consequences of a bad economic situation.

XIII.

"Let us aggrandize Central America, let us raise her to the height of virtue, of liberty, and of glory, that she may fulfill her providential destiny; let us launch her into the spheres of the superior ideal." Most beautiful programme, which would doubtless conduct us to the union, but which we must not expect to come from the union; no. This will be the fruit of a slow and constant labor of peoples and Governments. While we see servants in place of citizens; while rights are such a dead letter that the moth eats the shelves of the archives; while the people forget that they have duties towards their country; while principles remain forgotten, and, what is worse, trampled on; while personalism battles on its own account, vitiating the air which gives life to the institutions; while our congresses are only laughable parodies on national representation; while the opinion of the majority continues to be represented by the formula which at present represents it, which is zero, symbol of nothing; while people and governments conspire, each in its orbit, to maintain our actual situation; in a word, while we do not make a social revolution, that is to say, in ideas that shall substitute right, to-day unknown, for fact, the only commander; the citizen for the servant, the kingdom of institutions for that of one man, all will be in vain, all sterile, all contra-productive.

For it there are very obvious reasons. An institution like that which is being discussed should have very solid foundations; now, then, the union at the present time would lack them. It is not enough that everybody desires it; it does not suffice that it be a material necessity, as it is to-day; it should also be a moral necessity; it is necessary that all consciences have that conviction—that all wills aspire to that end. And if all we Central Americans desire it, the great majority lacks faith; is fearful, lacks confidence; sees in it a new epoch of struggles, and, at the end of those struggles, a separation more profound than the present.

XIV.

Bastard ambitions are agitated to-day more than ever; opinion does not exist, and personalism has been elevated almost to the category of a science, How long would the fragile federal bond last in a territory so extensive, so thinly populated, of communication so difficult? What would be the powerful means to stifle the voice, not now of political bands and passions, as in other times, but of illegitimate ambition, which only asks of illegitimate means the satisfaction of the immoderate desire for lucre, of personal interest, &c.? To-day that our civic virtues are dead, or at least lethargic, to-day that we look in vain for men of principles and convictions, that we only act when urged by petty motives, can we, with these deleterious elements, bring into the domain of the practical the great end we seek? No, by no means, no.

XV.

We do not exaggerate; the situation of our country is that we have painted, except some small details, as in Nicaragua, where there is liberty of thought, although sometimes it is punished with prison and banishment, and where there is a remnant of electoral liberty. In the rest, let us look over our history—the history of the last twenty-five years—and we shall not encounter more than social disorganization, stagnation, and consequently corruption. The constitutions, except that of Salvador in 1871, promulgated to be broken immediately afterward, have been charters which have not been decreed by the people, but stipulated by the Governments, according to the dictation of their convenience, of their circumstances, and according to the interests of the moment. The legal transmission of power, the youth hardly know it as a tradition, not as a practical fact; the election of the high functionaries is an affair which is not incumbent on the national will, which the latter abandons to other wills, very far from being for the public convenience; the habeas corpus is a guarantee null and sterile; the independence of the tribunals does not exist; the congresses only know how to approve, the people to be silent, and the citizen to suffer. We do not think that any one will be bold enough to deny these facts; that any one will dispute us in good faith; and if any one shall do so, it will be knowingly departing from the truth; it will be *lying*.

XVI.

Who has the blame of all? The Governments? A little. The people? In great part; but a part, and not a small one, belongs also to the professional adulators, whose only task is, now orally, now by the press, to deify him who commands, and to barefacedly lie to him who obeys; to extol even the most iniquitous acts of power; to give a decent appearance to that which the whole world condemns; to form around the commander a dense veil interposed between him and the citizens; to drown with their outcry the few voices that arise from the bosom of the people, and thus divorce the general will from the will of the governor. Abject, most abject task! Role, infamous and degrading! Those men should be marked in the forehead; with an indelible mark should fall upon them the social anathema.

XVII.

And these vices, these deformities, cannot be corrected by laws, by institutions, by decrees, for these have no force if they are not founded on customs, if they are not a reflection of the disposition of the people. When a disease is in the blood we should modify, regenerate, purify the last, and not apply palliatives. Well, then, our social blood is corrupted, and we should modify, regenerate and purify it; this is the task which we should undertake, but without vacillation or delay. Let us put aside the palliatives, which, far from curing, make worse; let us preach the civic virtues more by example than by word; let us re-establish the right of choice, those who think, those who see, guiding the masses who cannot or do not wish to see and think, but guiding them in the path of law, not of acts, not of crowds nor riots; let us speak with the independent word of the citizen, not with the offensive and calumnious chattering of the satirist; let us follow the example of the tribune of Ireland struggling at the head of its people in the field of right, by legal means, and which thus succeeded in conquering, one by one, all the liberties which reformed England denied to Catholic Ireland; let us re-establish the empire of the law, sending to our Congresses genuine representatives of the people, men of good sense, of intelligence, of independence, who will know how to make the law, to fulfill it, and to cause it to be respected.

XVIII.

It will be said, perhaps, that this is impossible, that every one is afraid, that the agents of power abuse, oppress the electors; but these reasons are mere sophisms; that which has been possible for the exertions of an isolated municipality, as has been practically demonstrated on more than one occasion, cannot be impossible for our Republics; fear is not a reason, except for peoples that have lost all shame, all dignity, all energy; and it is these fears which we combat; abuse and oppression are strong only when they are exercised against an isolated group of citizens, not against the majority of a people; it is easy to imprison and even to torture one or two individuals, but not a hundred thousand electors who present themselves to exercise their rights.

XIX.

This should be our task; a task long and difficult, but not impossible; these are the only foundations of our union, of our nationality. If opinion is its corner stone, let us cast this opinion first of all, because resting only upon the will or convenience of a few it would be ruined and fallen when that will was wanting, when those conveniences change their direction. On the contrary, it will remain unalterable, being sustained by the will of all, although some few might struggle to oppose it. Let us now leave this child's play; let us work like men.

XX.

We address ourselves to all, governors and governed; let us have pity on our country; let us love her a little; let us try for her good by the only means possible; let us struggle against corruption; let us cause virtue to triumph; let us not scandalize the world longer with our crimes of perverted civilization; let the law rule; let abuses cease; it is now time that the Governments change their course; put yourselves at the head of the social revolution; aid it, guide it; do not retard nor denaturalize it; cease proclaiming irrealizable abstractions, indeducible consequences, while the elements which should give them existence are not reunited and combined, while the premises from which they could be deduced are not felt. Let lirism (*lirismo*) be abandoned for genuine and practical interests; let us be guided by the principles of science, not by the figures of rhetoric.

Energy, constancy, and, above all, honesty, much honesty, and in some years we will have succeeded in our object; we will have made practical the ancient legend of our shield—

God, Union, and Liberty.

MANUEL J. MORALES.

[Inclosure 3 in No. 85.—Translation.]

CENTRAL AMERICA.

SAN JOSÉ DE COSTA RICA, *February* 23, 1883.

What I now say will bring me only insults, but in days of grief my words will be remembered.—X.

A great thinker says that in the last few centuries admirable progresses have been made in all matters, but that the political sciences, since Montesquieu, have taken no other steps than the terrible experiments with which the doctrines of that immortal publicist have been proved.

The author of the Cartas Persas says in Book IX, chapter 1, of the spirit of the laws, as follows:

"If a Republic is small a foreign force destroys it; if it is large some internal vice destroys it.

"Both troubles infect in the same manner the democracies as much as the aristocracies, whether they be good or bad. The evil is in the thing itself, and there is no form for remedying it.

"On that account it is very probable that men would have finally been obliged to live under the government of one alone, if they had not imagined the plan of a constitution which unites the external force of the monarchical to all the internal advantages of the republican government; such is the federative Republic.

"This form of government is an agreement made by various political bodies, by which they consent to be citizens of another greater state which it is proposed to form; and thus comes into existence a society of societies which form another new one, which can become greater by uniting with new associates.

"These associations it was which caused Greece to flourish for so long a time. The Romans made use of them to attack the universe, and the universe to defend itself from the Romans; and when Rome reached the summit of her greatness, it was also the associations formed by fear on the other side of the Danube and the Rhine which gave the barbarians strength to resist.

"The associations of cities were, in former times, more necessary than at present. A city without power ran, then, a greater risk; since, by conquest, it lost not only the executive and legislative power, as happens to-day, but, also, all kind of property that there is among men.

"This species of Republic, capable of resisting external force, can be maintained in all its extension without being internally corrupted, since the form of this society avoids all inconvenience.

"He who might wish to usurp, could not be accredited in the same manner in all the confederated states.

"If in one he acquired much power, it would cause inquietude in the rest; if he should subjugate a part, that which remained free would resist him with forces independent of those he might have usurped, and could strike him down before he finished establishing himself.

"If any sedition should occur in one of the confederated members, the rest could appease it. If abuses are introduced in any part, the sound parts correct them. This state could perish on one side, without perishing on the other; the confederation can be dissolved and the confederated remain sovereign.

"Composed of small Republics, it possesses the kindness of the interior government of each one, and with respect to the without, it finds all the advantages of the grand Monarchies in the power of the association."

All the world knows that the United States of America were nothing more than thirteen English colonies when they made themselves independent, that they then had only three millions of inhabitants, and that to-day they form a nation of more than fifty millions, whose rapid greatness, obtained in the shadow of the federative system, has no example in the world since the foundation of Rome. Central America attempted to imitate the United States, adopting the federal system, and obtained, for result, wars, disasters, and an absolute fractionization.

Many sensible and completely honest people are frightened in the presence of this gloomy historical picture, and execrate any thought leading to the unity of Central America.

It is necessary to turn the attention to those persons, and beg them to examine the affair with calmness and coolness.

In the year 1824 a constitution was emitted which it was impossible to fulfill.

The first President of Central America, Don Manuel José Arce, comprehended this; Señor Bettranena, exercising as vice-president the executive power of the nation, understood it; Don José Francisco Barrundia understood it, in those memorable days when, as the oldest senator, he was at the head of the country; and General Morazan, during those eight years of constant struggle, in which he presided over the Republic.

The constitution of 1824 did not establish a federal district like that of Columbia, in the United States of America. Our federal authorities were obliged to take lodgings in one of the state capitals. There they were looked upon as guests, and the chief of the state considered them as rivals. Soon this rivalry produced a struggle between the President of the Republic and the chief of the state.

Sometimes the chief was conquered, as was Don Juan Barrundia in Guatemala, in 1826, by President Arce; at other times the President was conquered, as was Arce, in 1829, by Barrundia's party.

The same scenes were presented in Salvador during the period of Don Joaquin San Martin, the federation being lodged in the capital of that state.

The federal system supposes equality. "It is difficult," says the author before quoted, "for the states to be of equal extension and power. The Republic of the Lycians was an association of twenty-three cities; the larger ones had three votes in the common council, the medium two, and the smaller one."

Montesquieu disserts on the manner of obtaining that equality as far as possible.

Such an important question, wisely solved by the North Americans, the authors of our constitution of 1824 did not know how to solve.

In the United States there are two legislative chambers. One of them is composed of deputies elected according to the number of inhabitants of each State. In that chamber the largest states have the greatest representation. In another chamber, called the Senate, all the states are equally represented. The Senate of the United States is a great power, which is presided over by the Vice-President of the American Union. The Senate ratifies international treaties, approves or disapproves nominations made by the President, gives or denies its sanction to the laws passed by the House of Representatives, and has many other important attributes.

The Central American Senate was a body of no force and could not give equality to the states.

Suffice it to say, that if the Senate denied its sanction to a decree of the Chamber of Deputies, that chamber ratified its decree and the President of the Republic was obliged to give it effect.

The Supreme Court of the United States is not only a judicial but a political power. It matters nothing that the House of Representatives pass a law contrary to the American Constitution, nor that the Senate sanction it, and that it be ordered fulfilled by the President, because the Supreme Court, the case being brought before it, will not give force to the law.

The supreme court of Central America lacked this power. Here, unconstitutional laws were passed by the federal Congress, and only the armed resistance of the states could be opposed to them.

Neither were the attributes of many authorities well defined, nor were the powers which should settle their controversies well marked. Under that regimen all ought to be, and all was, confusion and chaos, until the catastrophe of separation in 1839. Then arose five futile nationalities, without prestige, without power.

Why have not these nationalities, like the valley of Andorra, been destroyed by an external force, as Montesquieu says that if the Republic is smaller a foreign force destroys it?

Colombia has taken from Costa Rica part of her territory.

The limits of Costa Rica before reason, before justice, before the public conscience, are the point of Burica and the shield (*escudo*) of Veraguas.

The limits of Costa Rica, according to her debility and the abuse of a foreign power, are others very different.

The limits of Guatemala include Belize, which has been usurped from her and which the debility of her Government ceded to Great Britain. The limits of Guatemala, according to her constitution of 1825, include Soconusco.

The limits of Honduras and Nicaragua embrace the extent of territory called the Mosquito Coast, on which we have the leaden hand of a foreign power.

And why has the catastrophe not been absolute? Why have these five futile nationalities not been totally destoyed? They have not been because two great powers, England and the United States, without our knowing it, and without our having any intervention in the affair, celebrated a treaty to keep us independent. This is called the Clayton-Bulwer treaty. Among its stipulations we find the following:

"That at no time will they occupy nor fortify, nor colonize, nor arrogate, nor exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; that neither will they make use of any protection that any one of them lends or may give, or of any alliance that either one has or may have with any state or nation with the object of maintaining or erecting fortifications, or of occupying or fortifying or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part whatever of Central America, or of arrogating or exercising over said points any dominion whatever."

This was stipulated without taking any account of us, and without our intervention

being necessary for anything. Such is what we are worth, and the consideration they have for us abroad.

That treaty keeps us independent. It is well to ask if it will be internal. Clearly not.

Mr. Blaine, Secretary of State of the United States in the time of Garfield, asked England that the Clayton-Bulwer treaty be declared insubsistent. Mr. Frelinghuysen, the present Secretary of State, asks the same. What will become of Central America when the treaty, by virtue of which neither England nor the United States can dispose of the Central American territory, disappears?

Neither Mr. Blaine nor Mr. Frelinghuysen has taken the futile nationalities of Central America into account on asking for the abolition of the treaty, as neither Mr. Clayton nor Mr. Bulwer took these little Republics into account on signing it.

Central American unity is indispensable, and those who oppose it will be responsible before future generations for our future misfortunes, identical with those which to-day afflict Poland.

Our discredit abroad is immense. This cannot be comprehended in the interior of Costa Rica. It is necessary to understand it to be in other countries and even to penetrate into elevated circles, whose doors only open before determined political positions. Costa Rica has been so discredited abroad that a cabinet has not been wanting which pretended not to know her, and to continue treating the country like a barbarous nation.

What has been the fortune of Guatemala during the fractionization of the country? It has been the perpetration of crimes without number. I made a slight review on the 25th of February, 1870, concerning the decapitation of General Cruz, and of the derision publicly made of the mutilated head of the victim. Here is the review:

"That people saw Don Gregorio Salazar assassinated, firing upon him over his children, who surrounded him to save him. That people saw deputies arise from their seats to take their lives. That people saw an unhappy *marimbero** assassinated in a public street because he did not permit his daughter to be the concubine of General Carrera. That people saw the corpse of that same *marimbero*, in the principal plaza of Guatemala, cut into pieces and the pieces fastened in different public places. That people saw a general of the Republic (Guzman) defeated in an action, and afterwards despoiled of his uniform, clothed in rags, his beard and hair pulled out, tied on a mule and made to enter the city of Guatemala amid the jeers of his enemies. That people saw Señor Corzo, commandante of the Altos, decapitated and his cadaver derided. That people saw the city of Quezaltenango given up to pillage, and all the individuals who composed the municipality shot, without excepting the secretary. That people saw many citizens shot without form of law, after having delivered to their executioners the price of their ransom, which their wretched families had been able, with a thousand pangs, to collect together. That people saw more than forty persons shot without other trial than the supreme will of an autocrat, while one of the executioners played a guitar and made certain persons dance in the midst of the public agony. That people saw the malefactors who had committed so many crimes received in Guatemala with flowers and triumphal arches. That people saw the colleges of Totonicapan and Quezaltenango destroyed that the people might not be educated, and functionaries placed at the head of those departments so incapable and cruel that, to the reproach of their country, they re-established the infamous penalties and the gibbet. That people saw for several days fusilades and butcheries executed on a multitude of Salvadorean prisoners, who, on the morning of the 19th of March, 1840, broke the line which surrounded them. In the midst of the bloody tumult many soldiers and even wounded sought an asylum in a certain house which was in the service of the retrogrades, and they were delivered to their executioners.

"That people saw a certain Figueroa commandante of Jutiapa, commit, among other horrible excesses, that of making prominent persons bring him young daughters of the family to dishonor them, at times compelling to this sacrifice, by imprisonment and other violences, the very brothers and parents of the victims. That people saw its Government feign rebellions to dissolve an Assembly and spill the blood of innocent supposed rebels to obtain a political end. That people saw the prisoners of a jail shot without sentence of the tribunals, and without other motive than that the places of imprisonment would not hold them. That people saw the judges pass sentences of death dated back to cover the responsibility of the assassins. That people saw, one and many times, shut up in certain damp and mortiferous dungeons, that they call Castle, fathers of family, who have died there, expiating the crime of not being of the opinion of their executioners. That people saw a certain Lucio Lopez decapitated, his mutilated head jeered at, and exhibited as a trophy. That people saw a man enticed out by deceit at midnight from a house where he was sleeping tranquilly, to be shot at the doors of Luna's printing office. That people saw the assassin rewarded with the commandancy of the Castle of Matamoros. That people saw the hero of the

*Player on the *marimba*, an Indian musical instrument.—T.

conservatives of Guatemala feign, in Atescatempa, that a party of Salvadoreans were attempting to carry off a young woman, the object of his desires. The hero came out to fight the supposed enemies, who were his own troops, chosen by himself, to rescue the young woman, and to triumph over her in reward for his exertions. In the midst of the simulated skirmish the aggressor received a genuine wound. He confessed and communed, but did not forget the object of his strategy, and conducted the young woman by force to his barracks at Jutiapa. That people saw one of the sons of the same people torn from his family, and conducted on foot to the Castle of San José, where they shot him in punishment for having said he was a Liberal. That people saw the hero of the retrogrades take for himself the *prest** which came from the treasury for the troops, and himself advise the soldiers to revolt, as they did, falling upon the properties, and leaving many persons in poverty. That people saw, immediately after, the same hero repress the disorder that he had advised, and shoot a multitude without the precedence of any kind of trial whatever. Among the ones shot was a certain Catsum, who loudly cried that he was innocent; that in the revolt he had done no more than fulfill the orders of General Carrera, and he asked to be permitted to speak to him. Death closed his lips.

"That people saw securities and guarantees of all kinds given to disaffected citizens, to the conservatives, and also saw immediately thereafter, those same, who incautiously confided in the securities, persecuted, shot, nine of them in Sacatepeque, and others in Ostuncalco, among whom were the patriots Tomas Marin and Rafael Martinez. The latter threw his own blood on the assassin, and said to him, 'That stain no one shall be able to remove from you!' The same people saw in Salama a prominent resident of that town forced to dig his own grave, to be covered with earth up to the throat, and in that most wretched situation a thousand dollars demanded of him to ransom his life; it saw the relatives of the victim get together that money with much anguish and agony; saw the executioners take the money, and saw immediately thereafter the command given to beat the head which appeared at the level of the ground until the consummation of the sacrifice. Can there be in the most bloody history of the most execrable of monsters a deed which reveals so much barbarism?

"That people saw erected a triumvirate of anthropophagi: Rafael Carrera, Zotero, his brother, and Geronimo Paiz; it has seen the triumvirate sustained on charnel-houses, and the triumvirates which were lacking substituted, by force of blood, by new anthropophagi. That people have seen how many crimes of perverted humanity barbarism can commit, and frequently hears in the cathedral of God the apotheosis of the execrable monsters who perpetrate so many crimes."

This review circulated in Guatemala under the régime of President Cerna, and there was not a single voice raised saying that it contains the least falsehood. Afterwards it was reprinted and added to in Guatemala.

In the additions it is said that the author does not mention some deeds worthy of being placed in the first rank, as the death of Don Manuel Yrungaray, of Oyrasum and of Luna.

Here are the results of thirty years of fractionization. Were so many excesses, so many crimes committed under the régime of the very defective federal constitution of 1824? Under that impracticable charter, which would have disorganized Switzerland and the United States of America, we lived better than under the system of 1839.

Do we want yet another thirty years of crimes and horrors?

We will be told that the picture presented by the country since the 30th of June, 1871, is not more flattering. It is not so; but he who should imagine such an assertion would only defend the doctrine which we sustain, which reduces itself to demonstrating the disadvantages of the fractionization of the country.

On the 30th of June a party succumbed, but the fractionization did not disappear. It remained on foot.

In a country where the public is exceedingly limited, where from its smallness that country inspires neither respect nor fear, the governor, with a word, with a sign, with a cry, can do what he pleases.

Those permanent commissions which we see in Costa Rica, those legislative authorities which impose taxes, which augment the existing ones, without considering public opinions, that decree unconstitutional laws, did not operate thus under the federal régime; because they feared the opinion of Central America; because the federal Congress would not admit unconstitutional decrees, much less retroactive; because the federal court would not apply them, although they might be sanctioned by the Congress.

Before the fractionization a genuine merit was necessary to rise to power. For the same reason the abuses of the governors were not to be feared.

Arce ascended to the first executive chair by his incessant labors previous to the

---

* Daily pay of the troops.—T.

year 1821, in favor of independence, by his persecutions and martyrdoms of that time, and also because he was considered as one of the heroes of the bloody struggle with the Mexican Empire.

Morazan rose to power by his glories in Trinidad, in Gualcho, in San Antonio, in San Miguelito, in the Charcas, in Guatemala.

Valle was elected President of Central America because he was a sage.

It is not to be expected that he who ascends with those titles will, in power, be a Carrera or a Guardiola.

The ideas of the fractionization are by a fatal hallucination rooted in Costa Rica.

Don Juan Rafael Mora, fallen and defeated, went to the United States. In Washington he was offered resources to place himself at the head of the Central American reorganization, and did not accept them. Mora believed that the unity of the country is an evil.

Did Don Juan Rafael Mora, at the moment he was about to be shot in Puntarenas, remember the offers he refused in Washington?

Dr. John José Maria Castro segregated Costa Rica from the Central American family. The doctor was then innocent, for the misfortunes produced by the defective constitution of 1824 had just occurred; and because the very elevated love of Castro for the place of his birth, made him believe that Costa Rica alone and isolated could become great; but he would not be innocent now that a prolonged and painful experience of which he himself has been a victim has presented to him the frightful reality.

The servile party of Guatemala, not only divided Central America, but it proposed to itself that in all the states disunion should be sustained by means of decrees, like that of Carrera and that of Castro. That disunion was sustained by foreign agents, at whose head was Mr. Frederick Chatfield.

Chatfield was demanding from Nicaragua and Honduras a part of their territory, and the fractionization of Central America suited him. He also had intentions on Costa Rica, but those intentions were not understood here.

In the year 1847 Chatfield said to the Government of Nicaragua as follows:

BRITISH CONSULATE-GENERAL,
Guatemala, September 10, 1847.

To the principal Secretary of the Supreme Government of the State of Nicaragua:

SIR: Questions having arisen in various epochs with the states of Honduras and Nicaragua, concerning the extension of the maritime frontier of the Mosquito Kingdom, the Government of Her Britannic Majesty, after carefully examining the various documents and historical registers which exist relative to the affair, is of the opinion that the territorial rights of the King of the Mosquitoes should be maintained as extending from the Cape of Honduras to the mouth of the river San Juan; and therefore I am instructed to advise the supreme Governments of the states of Honduras and Nicaragua, as I now have the honor to do, that to this extent of coast the Government of Her Britannic Majesty considers that the King of the Mosquitoes has a right, without prejudice to the right which the said King may have to any territory farther south than the San Juan River; and that the Government of Her Britannic Majesty cannot look with indifference upon any attempt to usurp the rights to the territory of the Mosquito King, who is under the protection of the British Crown.

I have the honor to be, sir, your humble and obedient servant,
FREDERICK CHATFIELD.

By this note Costa Rica was threatened, for to the south of the San Juan is the Costa Rican territory. Now, I ask the separatists of both extremes of Central America why were not the intentions of Chatfield consummated? They were not consummated because the Clayton-Bulwer treaty was signed in the year 1850.

With Chatfield was united an intelligent Frenchman named Adolf Marie, who came an emigrant from Ecuador with General Juan J. Flores. Marie managed in a masterly manner the satirical burlesque style, and he put himself to combat the exertions made by the states of Salvador, Honduras, and Nicaragua to unite and resist the foreigner. The articles of Mr. Marie against what he called the "Trina Republic," the "Republic of Chimandega," were as much applauded in Costa Rica by the separatists as by a multitude of persons who, not knowing the venom contained in those articles, only discovered the facetiousness and wit in them. It caused amazement to see determined agents who hated Nicaragua sowing discord in the Nicaraguan territory, that that state might not join her sisters of Salvador and Honduras. Well and good that men who believe that they themselves form a nation do not join with other peoples; but let them not through egotism oppose the association of other peoples. They allege as a difficulty in the way of the union one of the most precious legacies of the fractionization, the debt of Honduras and Costa Rica. That argument is not new nor surprising.

A distinguished publicist, Mr. Blaine, says that that debt is more nominal than positive. Discussing the affair in the Department of State of the United States, Blaine said: "Central America should return what she received, and not what remained in Europe."

A multitude of combinations, which are not the subject of this pamphlet, have been made in order that the unity of the country may dominate that debt, which, as it appears to-day, is superior to the value of the states on which it rests. It is said that the personal characters of some men of state who are at the front of the situation is an obstacle to the union. This personal argument, proceeding from personalism, is weakened by the manifestations which are made clearly and definitely. It is said that the chiefs who are at the front of the regenerative movement will retire from the command as soon as they have a country. Why shall we refuse to give them credit?

History is full of similar deeds. Sylla abdicated, Charlemagne abdicated, Charles V abdicated, Philip V abdicated, Charles IV abdicated, Fernando VII abdicated; and, without speaking of abdications like that of Napoleon in Fontainebleau, I will conclude by saying that Washington abdicated, and Bolivar abdicated.

If the fractionization leaves to Guatemala what we have seen, what does it leave to Honduras? It leaves her an enormous money debt; it leaves her the horrors of which she was the theater during the periods of Ferrera, Coronado, Chavez, Guardiola, Medina, &c. Those deeds form a catalogue greater than that of Guatemala during the servile administration; it leaves her the prostration in which she is at present, and from which she cannot escape in spite of the exertions made to raise her.

To Salvador the fractionization leaves, among an infinite series of other evils, the victims of 1840; the invasions of Carrero; the excommunications and contra-excommunications of Bishop Viteri—the blood which that prelate spilled in the country—and the gibbet of General Gerardo Barrios.

To Costa Rica it leaves a chain of misfortunes, among which are the external and internal debt, and a discredit so great that a power of the first order was about to refuse to recognize this Republic.

To Nicaragua, the fractionization leaves a series of wars, among which is prominent that very celebrated one which commenced by questions between Castellon and Chamorro, which brought Walker, and which produced all those misfortunes we know of, among which is the desolating cholera, born from the putrefaction of the unburied bodies.

Nicaragua is the state of Central America where the constitutional system has to-day the most roots, and, nevertheless, she is in a lamentable situation.

There heterogeneous elements appear. There exist men and entire peoples under a régime good, holy, if you wish, but only accepted by force.

There exists the evil of him who to impose himself to exist [*sic?*] and of him who for long years suffers the imposition. That great evil can only be remedied under the august shadow of the capitol of Central America.

LORENZO MONTUFAR.

[Inclosure 4 in No. 85.—Translation.]

General Barrios to the Liberal party.

GUATEMALA, *February* 24, 1883.

Under date of February 24, 1883, General Don J. Rufino Barrios, constitutional President of Guatemala, addressed a letter to his friends among the Liberal party in the Republics of Central America, of which the following is a translation:

"The number of letters which I receive daily from political friends who reside in the different states of Central America, touching my intentions with respect to the union and with regard to the attitude attributed to me, the co-operation which is offered to me, and concerning divers details of the national question, that I consider it my duty to answer them all through the press, and once for all declare what has been my object and define the line of conduct which I propose to follow in this matter.

"Not from the present time only has the thought occupied me of reconstructing the country of Central America, torn to pieces in fatal days of sorrowful memory. It is a long time since I have cherished that idea, because I believe that in it is contained the solution of the most important questions connected with our future, and that it is the only basis upon which the edifice of improvement in these Republics can be erected, as much in the material and economical order of things as in the social and political. It has always seemed to me that we should do something to impart dignity and a representative character to our country in order to leave our children a respected flag, and to open a road for ourselves to participate in the splendid conquests

of progress. The circumstances, notwithstanding, had never been totally favorable to work for the realization of this idea. The consolidation of internal peace, the impulse which it was necessary to give the country in branches of vital importance, the arrangement of questions of transcendent urgency, and many other incidents, the enumeration of which would be tiresome on this occasion, absorbed my attention and impeded me from taking before now the initiative required by the situation of these Republics. If, united, they should not at once form a great nation, a people truly strong and formidable, it is useless to say that to-day, separated as they are, they find themselves exposed to continuous dangers on account of their weakness, and lacking a durable tranquillity and positive progress.

"Towards the end of the year last past it seemed to me that the circumstances had changed. The peace and order of Guatemala were perfectly cemented; the efforts addressed to the maintenance of material advancement of the country and the intellectual and social improvement of its citizens were already making their beneficial results felt; there was no international dispute and no motive for insecurity or disconfidence. At this opportune time the President of the Republic of Salvador arrived at this capital. I spoke with him about the question of nationality, which became the subject of repeated conversations. He warmly seconded my initiative, and expressed to me his belief that he also thought the union indispensable, and that it was necessary we should unite our efforts in order to accomplish it. I proposed, and he accepted with pleasure, that we should employ, by common consent, every peaceable and praiseworthy measure within our reach to attain the end proposed. We agreed then to disseminate, by means of the press, the idea of the union; to amply discuss it, and to nominate commissioners who, in a frank, friendly, and fraternal way, should propose it to the other Governments of Central America, so that, if they accepted it, they should designate representatives to a congress that would fix the bases upon which the reconstruction of our country might be effected, and, if they rejected it, we could know that at present the point should not be insisted upon. By virtue of this engagement, the Government of this Republic nominated its commissioner, and since that time has wrought always and exclusively in the domain of frankness, of loyalty, and of peace, for the purpose of preparing and of knowing public opinion, and in this way to discover if it were possible to reach the much-desired end, which is the most generous of the aspirations entertained by all good patriots of Central America.

"Publications by the press, and letters from some persons who are known and others unknown, that have been addressed to me, above all from Salvador, Honduras, and Nicaragua, in which the writers officiously give me an account of the way in which my initiative is taken, and posting me as to the rumors in circulation and the plans attributed to me, show me that special care is being taken to disfigure my intentions, and in making the ambitious views which I am supposed to entertain serve other ends. The rumor has been spread that it is now my intention to accomplish the union by force, and to impose myself upon the states as the arbiter of their destiny as President of the future Republic of Central America. The spirit of invention has even been carried to the extreme of asserting that armies have been organized and raised here, that the territory of some states has already been invaded, and that forces are marching to support by arms my projects of conquest and domination.

"Seeing clearly, then, that there are those who, with ungrateful malignity, try to incite against me the opinion of the people of the states, and to make me appear as the author of senseless projects of ambition, I have to explain my conduct and my policy, so that at no time can the charge be made against me of desiring to disturb the peace to satisfy mean personal ambitions, covered with the veil of a patriotic sentiment. I have not desired to attribute these doings to the Governments of other states, notwithstanding that in many of the letters which I preserve their writers endeavor to persuade me that they are not entirely unknown to them. I have not wished to give those letters credit in this direction, because I have with these Governments and their chiefs the best relations; because I have always been on my part consistent and loyal; because I have lent them, when occasion required, every service in my power, and have not caused them any injury; because, until now, what appears to be, is that, far from manifesting opposition or displeasure, they have received the commissioners with special demonstrations of sympathy, have promptly adhered to the plan of the union proposed to them, and they have manifested a desire to forget themselves in presence of the idea and the aspirations to reconstruct as soon as possible the disrupted nationality. But the enemies of those Governments and of their chiefs, and my enemies, scatter among the masses, without power to prevent this, those calumnious and absurd imputations; and in taking notice of them in these solemn moments, which ought to be devoted to the country, I cannot do less than to give the lie to such calumnies in the face of everybody.

"I do not flatter myself about it, nor do I desire, nor would I accept by any means, the presidency of Central America, and thus solemnly make this declaration under my word. I am tired of public life, and desirous to retire even from the Presidency of Guatemala, and I have not thought even for an instant to take upon my shoulders the

and influence are brought in, the occasion is mine to protest with pleasure that
pletely eliminate the latter and blot out the former completely, and I only give
or of the cause my services in whatever way may be necessary.
y means of the union I sought the establishment of a regimen truly liberal, with-
ny of those occasional wanderings from the inflexible rectitude of principles that
metimes obliged to be incurred on account of the smallness and the exceptional
tion of those countries, and which on account of that exception are not under-
, nor easily perceived among great peoples in which society is very differently
ized and educated, and in which there is not presented those contradictions
are here to be struggled with at each step. I know, as so also my political
ls, what is meant, and the obligations that are imposed upon a governor by the
tion of liberal institutions in all their purity and amplitude. I know how far the
ct for individual guarantees must go, and how far tolerance ought to be carried,
onsent given to the exercise of all the liberties of conscience, of speech, of the
, and of action. In spite of the illusions that I might wish to form, I have to
owledge that the institutions and the regimen here planted are far distant from
what I would wish, and from answering to the conception which I have formed
what an administration purely liberal and always subject in everything to the
of principle should be. And what happens here happens to the same or a
t extent in the other states into which Central America is to-day divided. He
with the light and guide of strict principles analyzes and judges of everything
is done in them, will find that in reality it is far from being what it should be,
rom preserving the purity and the severity of republican theories.
is not that the want of decision nor the height of power makes any difference in
leas of liberty and the absolute respect for the rights of individuals. In so far
fers to myself, I ardently wish to see implanted in my country a more genuine
festation of the liberal regimen, limiting the action of the Government as far as
be limited; extending all the individual guarantees, without exception, as far
ey ought to be extended—and I think myself capable of governing, and of thus
rning with much satisfaction, without any other guide than the law, when there
d not be those obstacles in the way which until now have made it impracticable
is extent.
Here in Guatemala where prejudice and fanaticism had taken deepest root; here,
e ignorance had pitched its camp; here, where intolerance and routine reigned,
e there were conspiracies in all places, and everywhere a struggle with created
ests, a struggle with superstition, a struggle with the old tendencies that always
d to the past; a struggle with the inactivity and indifference of the indigines,
st totally brutalized, and a struggle with everything and everybody, it was in real-
possible to keep invariably within the circle of principles without ever departing
it, and without laying hands on, for the purpose of saving those principles,
s that would be efficient in overcoming such formidable obstacles. I have not
, therefore, what I would have wished to do in following my own inspirations and
leas of my political faith, but only what I have been able to do so that the coun-

and not by force; and, therefore, it is almost certain that liberal institutions could be implanted in all their splendor and purity. This is what I sought after, and I was encouraged by the hope that in the long run Central America would be able to boast of having accomplished it. By means of the union I also sought to secure peace, aggrandizement, and felicity; but if an initiative in this sense, in place of being a band of fraternal labor, should become the seed of discord and give place to sterile upsettings and disturbances, I shall not take upon myself the responsibility. For the maintenance of peace, I have thus far preserved the most open and friendly relations with the sister Republics, and have kept up an alliance, loyal and profitable for all, with the Governments of Salvador and Honduras. If those relations and that alliance which have given as a result order, work, prosperity and confidence, to devote oneself to the giving of an impulse to the advancement of public and private wealth are to be considered by the enemies of those Governments and by my enemies as a recourse to which they might appeal to belittle them, and to make me appear as imposing a law upon them, and as taking away their liberty of action, I believe that it belongs to me to take away, as far as depends upon me, that motive.

"It is some time now since I have been informed of the proceedings which have been resorted to for the purpose of discrediting the functionaries of the allied Republics, and of throwing into discredit some measures which, without my intervention, and even without my knowledge, emanated from them. The belief was created by some evil-intentioned persons that those measures which had produced discontent and animadversion were inspired, advised, or ordered by me; and in this way they were able to throw the chiefs of those Governments into discredit, supposing them imprudently subject to strange influences and undue suggestions, and the measures were discredited by making them appear as the effect of a compromise or of an exaction on the part of the Government of Guatemala. My enemies, and those of this Republic, have known how to work at their own time this point, and thus, in proportion to the manner in which I have been made to figure as an author or instigator of all those measures which in any way wounded the opinion or caused disgust in the other Republics, they refused to concede me any participation in the ones which were well received and of recognized utility.

"This proceeding, which has not been unknown to me, has not prevented me, until the present, from continuing a faithful ally and decided friend of those Governments. From that alliance and that friendship peace was born; peace, not only for Guatemala, but also for those Republics among themselves, and for all Central America; and that was well worth the sacrifice I made in seeing myself converted into a target for backbiting. This system of slander has persecuted me sufficiently for me to understand what I ought to do about it, and I think I have sufficiently demonstrated that it does not signify to me, and that every sacrifice seems little when compared with the fulfilling of those engagements that are imposed by friendship and decency and the obligations prescribed by patriotism. In my political career I have met with cruel deceptions which have sown in my heart the thorn of doubt. I have tasted all the bitterness of deception and of abused confidence; I have seen that for many there is no weight so enormous nor a load more annoying than gratitude, and more than once has the correspondence been monstrous of some of those from whom I had reason to expect acknowledgment and adhesion, because they owed me everything.

"Those deceptions, notwithstanding, have not sufficed to freeze my blood with indifference and disconfidence, nor to break my faith and to persuade me that all is a lie and a speculation, nor to make me look with horror on humanity, and to curse the expansion of mind, with which I delivered myself without reserve to my friends, nor to ever inspire me with the thought of faltering in my loyalty, or of dispensing with strict confidence with my promises and my word. I have the satisfaction that my life has no stain of inconsistency or of deception. Never have I abandoned or deceived my friends; never have I left compromised those who followed my ideas and embraced my cause; and never have I promised in vain; because I have never promised what I could not, or had no intention to fulfill. When I am an enemy of a person, or of a Government, or of an idea, I declare it openly because I would think it a lowering of myself, any recurring to falseness or artifice, to combat them. The Governments of Salvador and of Honduras know with how much solicitude I have endeavored to maintain with them that friendship, and with how much highmindedness and decision I have cultivated it until now.

"But to-day something more delicate than vulgar attacks and unsubstantial calumny is treated of, because it concerns not only my name, but it might broadly compromise the rest and tranquility of Central America. The voice is spread that the intimate and cordial alliance on the part of Guatemala is the cause of calamity for those Republics. It is said that I command and desire to command tyrannically in them and that my will governs there. It is said that I am going to avail myself of that alliance to satisfy my ambition and domineer over Central America. All those imputations, which have already caused excitement and alarm, might well become, if they were

allowed to run on, the origin of evil, and produce confusion and commotions whose unravellings it would not be easy to foretell.

"In the presence of consequences of this nature and magnitude it is my strict duty to make known that everything which I have done until to-day has been to respect the independence of the other Republics and the dignity of their Governments; that I have never given them orders nor imposed my will, and that I have limited myself always to aiding them and to marching ever in accord with them out of deference to the peace and the benefit of all. In the future my conduct, counseled by what I learn from passing events, will follow a stricter mode, if it fits the occasion, entertaining larger views with regard to their independence.

"I repeat that I do not wish, nor would I accept, the presidency of Central America, and, as a proof that ambition does not guide me, the part which I shall take in the matter of the proposed nationality will be to attend to any worthy call to obtain it, that of co-operating in its realization, to send representatives to a congress if the other Governments attend, with the commissioners accredited by them, and to presently take such measures in agreement with them as they may desire. I do not separate myself from the idea, nor from the friends who proclaim it in good faith. I shall serve it in everything required of me, but I shall never consent to anything which may be done to discredit or to kill it. Neither the idea nor I have anything to fear from a clean discussion, from a frank opposition, or from a worthy resistance; but we have to fear from ambuscades that are prepared in the dark, and under the appearance of friendship, because neither the idea nor my character can consent to use arms of this sort, which are the only ones with which such measures can with advantage be opposed.

"As for the interior politics of the other states, and especially of Salvador and of Honduras, I decline from this hour all responsibility concerning them, and regret all intervention that may be attributed to me in any of the acts of their administration. I protest that I will not intervene in them in any way. Theirs be exclusively the merit and the glory of what they do to the benefit of the country, and theirs exclusively the obligation of responding for the measures which they adopt, and the decrees which they issue, and for the plan of conduct which they follow. I shall not consent that the injury shall be done them of having it believed that they are trampled by me, and dependent upon me; and I shall endeavor by all means to justify more and more by my conduct that I respect the independence of those Republics and the positions which their supreme rulers have assumed. They have proved that they can, and know how to sustain themselves, and govern by themselves, and any indication on my part, far from being of advantage to them, might be injurious. From to-day, then, I give the lie beforehand to any one who might suppose that I meddle in any way with the polities of other states, or to any one who might attribute to me this or that step which may be taken in them, or who may suppose that I sustain this, that, or the other ruler, or combat this, that, or the other party. There is no necessity of saying this, nor, perhaps, does it belong to me to say it; Salvador and Honduras are as independent of Guatemala as Guatemala is of them.

"My friends know, then, what to expect with regard to what concerns me. I do not desert the ranks of those who defend the union, and they will always find me ready to contribute towards its realization; but I do not wish that my personality should serve as a pretext to combat or discredit it, nor to combat or discredit the chiefs of the other Republics. If it is not time to make the union, if the Governments do not think it convenient to make it, I cannot change the circumstances nor the opinion; and to remain satisfied with myself, it is sufficient that I have worked in favor of the idea and with being disposed to second it.

"The persons who have favored me with their letters respecting the union will excuse me if I have not answered them in particulars; but they are very numerous and the answer which I ought to give them is the same for all, wherefore I have availed myself of the press. They will also at the same time excuse me when I tell them that my word is solemnly pledged, that I shall never under any circumstances commit the fault of discovering to any person any of their names nor the confidences which they have reposed in me. I beg them not to continue writing me by private conveyances, in a private way, but only by the ordinary post-offices, because in everything I like frankness, and I do not wish that the mystery with which I am written to, and the precautions with which the letters are conveyed to me, should leave room to suppose that the writers have my consent to treat with me in that manner (the interior politics of other states), or that I have agreed to the purposes expressed by them, or am disposed to favor the indications which their letters contain, or the projects revealed by them.

"Publicly I reply to all, and request those who may see fit to continue honoring me with their correspondence, that they should abstain from doing this in a way which gives margin to unfavorable conjectures and to suspicions which might cause them some injury.

"J. RUFINO BARRIOS."

No. 23.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 96.] LEGATION OF THE UNITED STATES,
Guatemala, April 14, 1883. (Received May 8.)

SIR: The subject of the union of the Central American states under one general government has been referred to in my dispatches No. 56, of the 8th January, and No. 85, of the 27th of March ultimo. In the latter I stated that there was no prospect that the present movement would be successful. Subsequent events fully confirm that opinion.

It would seem that the project never had any real support outside of Guatemala, although ostensibly favored by the Governments of Salvador and Honduras, and commended by the late President Zavala, of Nicaragua, in his last message.

In all the states except Guatemala the popular opposition has been demonstrative and apparently nearly unanimous. * * *

In my dispatches above referred to, I reported that commissioners of Guatemala and Salvador had visited the other states. The result of their mission was an agreement on the part of all the states to send delegates to a convention which it was proposed to hold in Salvador in March last. The convention did not meet at the time appointed, and it now appears none will be held. Costa Rica * * * declines to send delegates. This was communicated by the representatives of that state in Nicaragua to the Nicaraguan Government and by the minister for foreign affairs to his colleague of Guatemala, and inquiring into the advisability of a convention of the other four states; in reply, the Nicaraguan minister is informed that a meeting of the delegates of four states, with the object of forming a union of five, could have no practical result. * * *

I transmit herewith the published correspondence and other documents relating to the foregoing, taken from the official newspaper at this capital. They comprise the note of the minister for foreign affairs of Costa Rica, addressed to the two commissioners before referred to; the correspondence between Nicaragua and Guatemala, and the circular of the Costa Rican Government, setting forth the reasons which constrain it not to send delegates to the proposed interstate convention.

* * * * * * *

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 96.—Translation.]

Extract from the Official Gazette of Guatemala of April 12, 1883.

DEPARTMENT OF FOREIGN RELATIONS
OF THE REPUBLIC OF COSTA RICA,
National Palace, San José, February 19, 1883.

HON. MESSRS.: I have had the honor to receive the very important note of your excellencies dated the 15th instant, and informing me that the tranquillity and other favorable conditions in which the Republics of Central America are to-day situated for uniting under a common government, which is demanded by their great interests and the promising future to which their destinies call them, have inspired in the cabinets of Guatemala and Salvador the noble thought of attempting the said union, for which purpose, your excellencies being accredited to the other Central American Gov-

ernments, with your present character, have obtained from those of Honduras and Nicaragua the promise to concur, each one, by means of five delegates, to a congress of plenipotentiaries, which is to meet in March next, in the city of Santa Tecla or Ahuachapan, to discuss and sign the projects of the general constitution and other organic laws conducive to the grand end indicated; and that you invite my Government to the same concurrence.

This communication, so pleasing from its origin, and interesting from the magnitude of its object, being brought to the notice of the President of this Republic, he has given me instructions to answer it in the following terms.

The union of the Central American Republics, under a compact which shall perfectly provide for all time the constant equilibrium necessary to make it just, profitable, and durable, is a thing demanded by the nature, the history, the future aggrandizement, the respectability, and the good name of Central America.

Impartial Costa Ricans so recognize it, and immediately with the same pleasure with which the Governments of Honduras and Nicaragua have promised to send their delegates to the congress, whose mission is limited to discussing and signing the projects of the general constitution and organic laws to be proposed for the political reorganization of Central America, that of Costa Rica responding also to the fraternal call of those of Guatemala and Salvador, promises to send, together with the delegates of Nicaragua, the five corresponding to it.

It also takes pleasure in promising the Governments that your excellencies worthily represent, that the said projects being received, it will give account of them to the legislative power of this Republic, to the end that it may determine by its high judgment and patriotism what it may think best, in accordance with the legal prescriptions, and keeping in view, as no doubt it will do, the particular convenience of the country and the general interests of Central America.

In thus answering your excellencies I have, &c.,

JOSÉ MA. CASTRO.

Hon. Don SALVADOR GALLEGOS and
Hon. Don DELFINO SANCHEZ, &c.

[Telegram.]

MANAGUA, *March* 28, 1883.

To His Excellency the Minister of Foreign Relations, Guatemala:

The Government of this Republic has been disposed to send to Santa Tecla its delegates to the diet, not having been able to do so before on account of the attention required for the change of administration, The Government of Costa Rica has officially declared, by means of its minister here, that it will not be represented at the diet. Nicaragua desires to know if your excellency's Government believes that the reunion of the representatives of only four states can have any practical result, since in that case she will send hers by the steamer passing Corinto the 13th.

F. J. MEDINA.

[Telegram.]

GUATEMALA, *March* 29, 1883.

Hon. Minister of Foreign Relations of Nicaragua, Managua:

Last night I had the honor to receive your excellency's telegraphic dispatch, in which you inform me of Costa Rica's having declared, officially, that she will not be represented at the diet on Central American union, and express the desire to know if my Government believes that the reunion of the representatives of only four states can have any practical result, to send your delegates in the affirmative case.

The object of the diet being the union of the five states into a single nation, if the Government of Costa Rica does not join it, as your excellency affirms, the meeting of the representatives of only four states could not, in the opinion of my Government, have any practical result.

I am, &c.,

FERNANDO CRUZ.

DEPARTMENT OF FOREIGN RELATIONS OF NICARAGUA,
Managua, April 3, 1883.

SIR: I have the honor to confirm to you my telegram of the 28th of the last month, which is as follows: [See above.]

At the same time, I inclose in this note a certified copy of the communication which, on the 26th of the same, the minister of Costa Rica addressed to this department,

making the declaration referred to in the preinserted telegram. Notwithstanding that up to the present time no answer has been received from Honduras and Salvador, in view of that which your excellency was pleased to give by telegraph the 30th of the said month, the Government of Nicaragua has resolved to suspend for the present the sending of its delegates to the projected diet.

I reiterate, &c.,

F. J. MEDINA.

HIS EXCELLENCY THE MINISTER OF FOREIGN RELATIONS
of the Republic of Guatemala.

MANAGUA, *March* 26, 1883.

SIR: The supreme Government of the Republic of Costa Rica, in view of the marked opposition with which has been received in that country the project of sending delegates to a diet to meet during the latter part of the current month in Santa Tecla or Ahuachapan to treat of the national reconstruction of Central America, convoked an assembly of prominent persons, to whose study it submitted the idea. In accordance with its resolution, Costa Rican delegates will not go to the diet treated of. I have the honor to communicate this to his excellency, the President of this Republic, by the distinguished medium of your excellency, in obedience to special instructions which I have received.

I reiterate, &c.,

A. ZAMBRANA.

Hon. FRANCIS J. MEDINA,
Sub-Secretary of State, in charge of the Department of Foreign Relations.

A true copy.

MEDINA.

[Inclosure 2 in No. 96.—Translation.]

Circular to the other Governments of Central America.

NATIONAL PALACE,
San José, March 26, 1883.

The Minister of Foreign Relations of ———:

SIR: Discussion having been provoked concerning the invitation of the Governments of Guatemala and Salvador for the reorganization of the union of the five Republics into which Central America is at present divided, that of Costa Rica has been convinced that it was a faithful interpreter of public opinion in assuring them, by the dispatch of this department, dated the 19th of February ultimo, of its vehement desire for the re-establishment of an institution which, without any doubt whatever, is called to change the destinies of these peoples, offering them a life to which, disorganized as they are, they cannot aspire.

But at the same time it has been convinced also that any step directed toward the satisfaction of those aspirations, even the least significant of them as that of sending delegates to discuss the bases of reorganization, requires to be meditated on with the calmness and prudence demanded by affairs of such consideration and of such grave consequences.

On this account, without modifying the terms of the dispatch before alluded to, nor absolutely revoking the promise to send delegates to the place which has been designated, my Government esteems it prudent, and hopes that that of your excellency will not take it amiss to defer the execution of its proposal until the opinion of the people over whose destinies it rules, having been better informed, shall be pronounced with greater vigor, not on the matter of the initiative, concerning which it is not possible to entertain any doubt whatever, but rather concerning the opportunity of the carrying it into effect, considering the serious fears and disconfidence manifested by the press in several of the states, which discover an antagonism, a struggle being prepared, into which it is not disposed to enter, since it only accepts means peaceful and recognized by all for the realization of such an important work.

For the same reason that my Government wishes to arrive at practical and secure results it desires to avoid all haste, all collision which might be caused by lamentable reminiscences left by the extinguished federalism in the spirit of the Central Americans, and not to act except in perfect agreement with well-pronounced public opinion.

These are the sentiments of the Costa Rican people and Government, which I hasten to communicate to that of your excellency through your honorable means; and on fulfilling my charge, I improve, &c.

[From the inability of the secretary of the department, that of government],

VICTOR GUARDIA.

No. 24.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 101.] LEGATION OF THE UNITED STATES,
San Salvador, Salvador, May 4, 1883. (Received June 8.)

SIR: * * * The President of Salvador, the minister for foreign affairs, and other prominent persons of the country, have expressed to me great interest in the proposed Nicaraguan Canal; its construction they consider of more vital importance to Salvador than to any other of the Central American states, not excepting Nicaragua; they hope the great work will be completed under the auspices of the United States, and it would be more satisfactory to them were the United States to own and control it. The legislature of Salvador will, no doubt, adopt some resolutions favoring the project, and it may also invite similar friendly manifestations on the part of the Central American states. There is little confidence in the success of the Panama project. * * *

I have, &c.,

HENRY C. HALL.

No. 25.

Mr. Hall to Mr. Frelinghuysen.

No. 110.] LEGATION OF THE UNITED STATES,
Guatemala, May 19, 1883. (Received June 15.)

SIR: In my dispatch, No. 101, of the 4th instant, from the capital of Salvador, I referred to the subject of the Nicaraguan Canal, and to the great interest in the project which the President, members of his cabinet, and prominent citizens had expressed to me during my recent visit to that Republic.

I am not aware that any of these states, Nicaragua excepted, have, heretofore, by public acts, or through their diplomatic agents, manifested a special interest in the projected canal or sympathy with the enterprise; the necessity or expediency of such manifestations of interest may not have been suggested or may not have occurred to them, although they are all alive to the fact that the completion of the canal is a matter of the most vital importance to the Central American states severally and collectively. Their silence has been attributed to indifference in regard to the work itself, and to a jealousy of the preponderant influence the United States would acquire should the canal be constructed by American enterprise and controlled by American interests. Happily such ideas, prevalent twenty-five years ago, do not now exist among the best and most progressive classes of Central Americans, who are neither indifferent in regard to the carrying out of that great project nor jealous of American influence; to the contrary, they look forward to the completion of the work as an American enterprise, under the auspices of the Government of the United States.

None of these countries have greater prospective interest in the Nicaraguan Canal than Salvador, the smallest in territorial extent, but probably the wealthiest of the five states. The other states have outlets to the Atlantic; Salvador has none. This want would be supplied

by the canal. Salvador has also the port La Union, said to be the best in Central America, near to the Pacific terminus of the canal, which it is expected will give Salvador commercial advantages quite equal with those of Nicaragua.

The Government of Salvador, having become thoroughly impressed with the great importance of the canal to the progress and development of the Central American Republics, and especially of Salvador, now takes initiative steps to obtain a manifestation on the part of each state in favor of the project. The action taken by Salvador is set forth in the accompanying copy of a communication, dated the 14th instant, from the minister for foreign affairs of that Republic, with which he transmits a copy of an instruction to the representative of Salvador in Washington. The latter, I have no doubt, will have been brought to your notice before this reaches you.

It is probable that the other states will follow the initiative of Salvador in manifestations of friendly interest in the successful completion of the Nicaraguan Canal.

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 110.—Translation.]

Mr. Gallegos to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS,
REPUBLIC OF SALVADOR,
San Salvador, May 14, 1883.

Mr. MINISTER: I have the honor to remit to your excellency a copy of a communication which this department has addressed, under date of the 4th instant, to the minister of Salvador in Washington, relative to the matter of the interoceanic canal of Nicaragua.

As the realization of that project is of vital importance for the economic and political future of Central America, and principally for Salvador, which, without communication with the rest of the world by the Atlantic, will obtain it direct the day that that work is concluded, my Government has seen fit to invite also the concurrence of the others of Central America, that they may make identical representations to the American Government; and hoping equally that this initiative and its object will be agreeable to your excellency, in the name of the supreme Government I ask your friendly offices, that, if you think best, you may lend your valuable support, in order to better assure the exit desired.

Confiding in the urbanity and good disposition of your excellency, I return you my thanks in advance, subscribing myself, &c.,

SALVADOR GALLEGOS.

No. 26.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 136.] LEGATION OF THE UNITED STATES,
Guatemala, July 6, 1883. (Received July 26.)

SIR: With reference to my dispatch No. 110, of the 19th of May ultimo, reporting the steps taken by the Government of Salvador to obtain some concerted action of the Central American states in favor of the projected interoceanic canal of Nicaragua, I now accompany, for convenient reference, a duplicate of the inclosure transmitted therewith, and the following translations, which, I am persuaded, will be found of

interest in connection with that subject: The circular of the Government of Salvador to the several Governments of the Central American states; the answers of Honduras, Costa Rica, and Nicaragua. These communications are published in the Diario Oficial of Salvador, of the 14th and 21st of May ultimo, also inclosed.

I respectfully invite your attention to the communications from Costa Rica and Nicaragua. The former declines, for the present at least, to participate in any action respecting the canal, but her objections relate to questions with Nicaragua which are connected with a long-pending dispute concerning the boundary lines between the two countries. An attempt has been made recently to settle them by a treaty, proposed by Costa Rica, whose Government has since rejected the negotiations of its own representative.

Nicaragua also declines to take any action in the matter. The reasons therefor are set forth in the note of her minister, Mr. Castellon, to Mr. Gallegos. The Government is evidently disheartened and under the impression that the Congress of the United States will take no action favoring the enterprise.

* * * * * * *

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 136.—Translation.]

Circular of the Government of Salvador to the Governments of the Central American states.

DEPARTMENT OF FOREIGN RELATIONS
OF THE REPUBLIC OF SALVADOR,
San Salvador, May 12, 1883.

Mr. MINISTER: I have the honor to remit to your excellency an authorized copy of a note which this office has addressed under date of the 4th instant to the minister of Salvador in Washington, in relation to the project of the Nicaragua interoceanic canal.

As your excellency will see from the inclosed, motives of particular interest relative to the situation and progress of this Republic have obliged the Salvadorean cabinet to take the initiative toward the American Government, to call its attention and solicit its aid, in order that, under such powerful auspices, the realization of that important enterprise may be promoted in a decisive manner.

But, apart from such considerations, my Government believes that that work is above all essentially Central American, as it is destined by its transcendental consequences to produce the most complete and favorable transformation in the destinies of these Republics; and by virtue of this fact, without ignoring the labors which, for a long time past, have been preparing on the part of the Republic of Nicaragua, or with its consent and aid, it thinks that the five Governments of Central America should unite their forces, to direct their instances, offer their co-operation and influence as far as they may be able, to the end of assuring the Nicaragua interoceanic communication, which should be so fruitful in beneficial results to our people.

The Government of Salvador, then, feeling the importance and opportuneness of this measure, and with the conviction that that of that Republic of which your excellency is the worthy organ is perfectly identified with its ideas, as far as they tend to promote Central American interests, has given me instructions to earnestly request you, as I do by the present, in order that, if you think proper, you may direct your offices toward the Government of the United States of America, in the same sense as this Republic has done, concerning the object indicated.

The uniformity and concurrence of such action, in addition to the political effect they might produce, would protect the Republics of Central America, in the opinion of my Government, from the charge of indolence, which might, perhaps, be made against them, in an affair which, like that of the interoceanic canal, is of so much interest to their aggrandizement and progress.

I renew, &c.,

SALVADOR GALLEGOS.

[Inclosure 2 in No. 136.—Translation.]

The minister of foreign affairs of Honduras to that of Salvador.

DEPARTMENT OF FOREIGN RELATIONS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, June 1, 1883.

Mr. MINISTER: I have the honor to refer to your excellency's dispatch, dated the 12th of last month, whose contents I have with satisfaction brought to the notice of the council of ministers in the exercise of the executive power.

The Government of Honduras applauds the patriotic idea of that Republic relative to working with decided energy to draw the attention of the United States of America and solicit their aid, in order that, under their powerful auspices, the most important enterprise of the interoceanic canal across the territory of Nicaragua may be promoted.

The realization of so grand a project is destined to change the face of Central America, contributing efficaciously to its rapid advancement and prosperity, and operating the most complete transformation in benefit of these countries, for which a fortunate future is reserved, by their excellent geographical situation and by the riches of all kinds inclosed in their privileged territory.

Central America, as your excellency very well says, should protect herself from the charge that might be made against her of indolence in an affair which interests her so much; and it is necessary to unite all forces that the Nicaragua route may be accepted and the interoceanic communication made there.

The Government of Honduras, animated by those ideas, accepts with pleasure the initiative taken by your excellency, and in consequence instructions will be given to our minister in Washington, analogous to those which your excellency has communicated to Mr. Batres Jáuregui, minister plenipotentiary of Salvador and Guatemala in the United States of America.

The minister of Honduras will be recommended to proceed in an affair of such capital interest in accord with the representatives of the other Central American Republics.

I shall have the honor to send to your excellency in due time an authorized copy of the dispatch to the said minister of Honduras.

With assurances, &c.,

E. GUTIERREZ.

[Inclosure 3 in No. 136.—Translation.]

The minister for foreign affairs of Costa Rica to that of Salvador.

NATIONAL PALACE,
San José, June 6, 1883.

Mr. MINISTER: I have had the honor to receive your esteemed communication of the 12th of May ultimo, and the copy with which you were pleased to accompany it.

I am pleased to inform your excellency that my Government is in accord with your excellency's observations as regards the importance of the Nicaragua Canal, and at the proper time to manifest with deeds the interest with which the realization of that work inspires all the Central American states; but an observation has been made on the part of this Government, by virtue of the treaty which exists between the two Republics, and I am awaiting its result; so that in the mean time it will not be possible, notwithstanding the good disposition of this Government, to take any step which might be interpreted as a tacit renunciation of our rights.

I entertain the hope that soon perhaps we may labor in harmony in favor of so important an enterprise, and in whatever tends to promote Central American interests your excellency may be sure of the opportune co-operation of Costa Rica.

I improve, &c.,

EUSEBIO FIGUEROA.

[Inclosure 4 in No. 136.—Translation.]

The minister for foreign affairs of Nicaragua to that of Salvador.

DEPARTMENT OF FOREIGN RELATIONS OF NICARAGUA,
Managua, June 12, 1883.

Mr. MINISTER: I have had the honor to receive, with your excellency's esteemed dispatch, dated the 12th of May ultimo, a copy of that which, on the 4th of the same month, you addressed to the minister of Salvador in the United States, giving him instructions to ascertain the opinion which prevails in the councils of the Washington

Cabinet relative to the projected Nicaragua interoceanic canal, and the hopes which may be entertained as to its co-operation in favor of the enterprise.

Your excellency explains the motives of interest for that Republic and for all Central America which move your Government to take that step, and in their name asks that of Nicaragua to direct its offices towards the Government of the United States in the same sense.

My Government is grateful for the fraternal solicitude shown by that of that Republic in favor of a work in which Nicaragua has placed her most flattering hopes of political advancement and of pacific aggrandizement, in common with her sisters of the Central American Isthmus. Understanding the grandeur of the work, and the incalculable benefits it should produce to these countries, she has labored alone, but constantly, in promoting its execution by such means as have been in her power, and particularly sending to Europe and the United States, at different times, legations charged with laboring to that end. She has done so recently after celebrating the contract with Mr. A. G. Menocal in conditions which assure to the other states of the Center the same advantages as to the sovereign of the territory in which the work should be constructed.

But in view of the meager result obtained up to the present in the United States, and of the lukewarmness manifested by the provisional company, concessionee of the privilege, this Government thinks best to abstain for the present from undertaking new efforts toward the Government of Washington, hoping that your excellency will be pleased to communicate to me the information which the minister of Salvador may obtain in virtue of the instructions which have been transmitted to him.

I reiterate, &c.,

F. CASTELLON.

No. 27.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 139.] LEGATION OF THE UNITED STATES,
Guatemala, July 11, 1883. (Received August 3.)

SIR: In my dispatch No. 136, of the 6th instant, reference is made to a recent attempt to settle the long pending disputes between Nicaragua and Costa Rica relative to their dividing boundary line; that the latter had sent a special envoy to Nicaragua for that purpose, and that the treaty made by him had been rejected by his Government.

* * * * * * *

The following appear to be the bases of this dispute:

Nicaragua claims the main channel of the San Juan River from its mouth to Castillo Viejo to be the boundary line, and as that river during the past twenty-five years has appropriated to itself one of its outlets, the Colorado passing through Costa Rican territory, which has become the main channel to the Atlantic, her Government here assumes that this should be a part of her boundary line, and these conditions appear to have been agreed to by the Costa Rican envoy in the negotiations referred to.

I have no means of ascertaining what may be the present pretensions of Costa Rica, although I have reason to believe that they do not differ materially from those reported by Mr. Riotte, formerly minister of the United States to Nicaragua, in his dispatch No. 110, of the 9th of May, 1872, substantially as follows: "That the interoceanic canal, in case of its realization, should in its entire extent, form the true boundary between the two Republics from ocean to ocean, provided that it shall not deviate more than six geographical miles from the boundary line proposed by Nicaragua in a certain memorandum (not published), and

that in any contract for an interoceanic canal Costa Ricans shall have the same advantages which might be secured for Nicaraguans."

The foregoing accords with a casual remark made by Dr. Castro, then the minister of foreign affairs of Costa Rica, in November last, and it is quite probable that the same pretensions are still held by that Government.

* * * * * * *

I have, &c.,

HENRY C. HALL.

No. 28.

Mr. Hall to Mr. Frelinghuysen.

No. 146.] LEGATION OF THE UNITED STATES,
Guatemala, July 26, 1883. (Received August 14.)

SIR: Referring to my dispatches No. 110, of the 19th May ultimo, No. 136, of the 6th instant, and to other correspondence relating to the steps taken by the Government of Salvador in favor of projected Nicaraguan canal, I have the honor to inclose the reply of the Government of Guatemala to the circular letter of the former, which was addressed to each of the Central American states in May last. The inclosure is taken from the Diario Oficial of Salvador of the 26th ultimo.

The sentiments and wishes of Guatemala in regard to realization of canal, under the auspices of the United States, are in full accord with those of Salvador and Honduras.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 146.—Extract from the Diario Oficial de Salvador, of June 26, 1883.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS OF GUATEMALA,
Guatemala, June 15, 1883.

Honorable Minister of Foreign Relations of the Republic of Salvador:

Mr. MINISTER: With your excellency's esteemed communication of the 12th of May ultimo I had the honor to receive a copy of the note which had been addressed by the department under your worthy charge to the minister of that Republic in Washington, relative to the project of the Nicaragua interoceanic canal, and which communication I had not answered before, on account of General Barrios having been absent.

In reply, it is satisfactory to me to inform your excellency that the Government of Guatemala, for its part, thinks that the initiative steps of the Government of Salvador toward the American Government, to call its attention and solicit its aid for the realization of that important enterprise, of such great utility, and destined by its transcendental effect to produce the most complete and favorable transformation in the destinies of Central America, as is demonstrated by the communication of your Department of State, and the note, of which you were pleased to remit me a copy, that, without hesitation, this Government accepts and seconds, with pleasure, the idea expressed in the invitation, and to that end instructs its minister in Washington to use his offices in the name of Guatemala toward the Government of the United States, in the same sense desired by the Government of your Republic.

I improve, &c.,

FERNANDO CRUZ.

ract between Mr. Minor C. Keith, a citizen of the United States, the Costa Rican Government, for the arrangement of its foreign t and the completion of its Atlantic railway; a translation of the tract is also inclosed. The foreign debt of Costa Rica is estimated bout $18,000,000; the greater part of this sum arises from overdue rest. The principal was contracted in 1871 and 1872 with the object onstructing an interoceanic railway from Port Limon, on the Atlan- to Punta Arenas, on the Pacific. A good part of the loan was spent xpenses of the negotiation and never reached Costa Rica; other s, it is said, were appropriated * * * for other purposes n those originally intended. Mr. Keith, for himself or in the name he company he proposes to organize, agrees to arrange with the ign creditors for a reduction of the present rates of interest of 6, 7, 8 per cent. to 2½ per cent.; after ten years' payment of interest, the will be increased to 3½ per cent. per annum. To secure in part the ment of the principal and interest of the debt, the Government hy- necates the net revenues of the custom-houses of the Republic. se revenues were $440,000 in 1882, and will, no doubt, be increased siderably when the road is finished. The Government concedes to Mr. th or to his company the right of ownership for ninety-nine years he railroad already constructed and to be constructed. Of the former e are 71 miles of Atlantic Division, from Port Limon to Carrillo, peration; of the Central Division, from Cartago to Alajuela, there 26 miles in operation, and in the Pacific Division there are 13 s, from Punta Arenas to Esparta. To connect the Atlantic and Cen- Divisions 30 miles of railway have to be constructed between Car- and Cartago, and to connect the Central and Pacific Divisions 50 s of road are required between Alajuela and Esparta. It appears, efore, that Costa Rica requires but 80 miles of railway to complete interoceanic communications. The contract with Mr. Keith stipu- s only for the construction of the 30 miles required to connect the antic and Central Divisions.

n addition to the right of ownership of the railroad, the Costa Rican ernment grants to Mr. Keith and his company 800,000 acres of lic lands.

ive districts of the country into rapid communication with the Atlantic. Its realization cannot fail to contribute to the development of our commercial relations with that Republic.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 155.—Translation.]

Contract between Mr. Minor C. Keith and the Government of Costa Rica.

No. 42.] UNITED STATES LEGATION, CENTRAL AMERICA,
Guatemala, August 8, 1883.

The constitutional Congress of the Republic of Costa Rica decrees:

SOLE ARTICLE. Approves and satisfies in every respect the contract for the arrangement of the external debt of Costa Rica, and the conclusion of the railroad to the Atlantic, celebrated between Licentiate Don Bernardo Soto, secretary of state, in the departments of finance, commerce, and industry of the Republic of Costa Rica duly authorized on the one part, and Mr. Minor Cooper Keith y Meiggs, citizen of the United States of North America, on the other part, in the city of San José, capital of the Republic, the 13th day of the present month, which, with the modifications, suppressions, and additions agreed to by Congress, reads literally as follows:

Bernardo Soto, secretary of state in the departments of industry, finance, and commerce, duly authorized by his excellency the President of the Republic of Costa Rica on the one part, and Minor Cooper Keith y Meiggs, of full age, bachelor, contractor, citizen of the United States of North America and inhabitant of this capital, or the company that he shall legally form, on the other part, have agreed in celebrating the following contract for the arrangement of the external debt of Costa Rica and the conclusion of the railroad to the Atlantic.

1.

Keith, on his own, or on the behalf of the company which he may legally organize, and which in the future will be styled "the company," engages to arrange the debt of the Government of Costa Rica, proceeding from the loans contracted in London by the representatives of said Government, namely, that of 6 per cent. first issue of May 8, 1871, and second issue of October 2, 1871, and that of 7 per cent. of May 2, 1872, reducing the rate of interest 2½ per cent. per annum.

2.

In order to proceed to this arrangement with the creditors, a tribunal of arbitrators, composed of six individuals, shall be previously organized in London or other place, of whom three shall be named by the Government of Costa Rica, and three by the actual creditors or their legal representatives, and in case of equality of vote or disagreement, the tribunal shall name a third party, who shall decide the point or points in question; but if they be not agreed as to the nomination of the third party, he shall be drawn for by lots—out of four individuals named—two by those who form the tribunal on the part of the Government of Costa Rica, and two by those on the part of the creditors. This tribunal will have full and sufficient powers to decide the questions which may arise upon any one of the said credits, whether proceeding from the capital or tribunal, will occupy itself in the first place in qualifying the legitmacy of the different credits that appear against the Government of Costa Rica, proceeding from the debt, and to liquidate the capital, and interests, which is shown to the debit of said Government.

3.

Once the capital and interests of the debt are liquidated at 2½ per cent. per annum by the tribunal of arbitrators, the Government of Costa Rica, through the medium of an agent duly authorized, shall issue new bonds at the same rate of 2½ per cent. interest per annum, for the conversion of the old bonds of 6 and 7 per cent. It is understood that the interests on the capital shall be reckoned from the date on which they left off paying until the 1st of January, 1888. For the payment of the interests on the new bonds, the Government will recognize 12½ per cent. exchange.

4.

The Government of Costa Rica, through the medium of its agent, will also issue bonds of 2½ per cent., and at 50 per cent. of their nominal value, to pay the expenses

which the conversion of the debt will demand, and for the payment of the amounts which, with their respective interests, claim the houses of Erlanger & Co., Knowles & Foster, and the council of foreign bondholders, proceeding from the sums advanced in cash to the Government of Costa Rica, with which the nation will recover, more or less, £1,000,000 in bonds, which said houses preserve as guarantee of their respective credits. It is understood that the legitimacy and amount of these debts should be known and adjudged by the tribunal of arbitrators.

5.

The form and redaction of the new bonds of 2½ per cent. before issuing shall be approved by the tribunal and the bonds authenticated with its seal and signed by the agent of the Government.

6.

The new bonds and their interests will he paid exclusively with the net proceeds of the customs duties of the Republic, and will not have any other guarantee or mortgage but the net proceeds of said customs duties. By the fact of the conversion of the debt, the mortgages which the Government of Costa Rica created as guarantee for the loans of 6 and 7 per cent., before referred to, are canceled; but as at present the proceeds of customs duties are applied to the amortization of the interior debt of the Government, the payment of the interests on the converted bonds will not commence till after the amortization of said debt.

The interest on the bonds, which should commence to be paid from the 1st of January, 1888, and forward, and should not be paid by reason of the interior debt not having been extinguished by that date, as also the interests which in part should be unpaid, because for full payment of same the net proceeds of the customs duties are not sufficient, shall be paid for successively in the following years, without, in either of the two cases mentioned, the capitalization of the interests unpaid.

7.

The Government of Costa Rica agrees not to burden at any time the new bonds of 2½ per cent., and further engages not to introduce modifications in the actual tariff of customs duties in such a way as to prejudice the mortgage created in favor of said bonds.

8.

In payment of the interests of the new bonds of 2½ per cent. the Government of Costa Rica will issue at the beginning of each year, commencing with the 1st of January, 1888, notes which will be called customs notes, for the total amount of the interests of each year. Said notes will be accepted in payment of the total amount of duties of imports and exports, and delivered to an agent of the company for sale. Payment of duties will not be received in money, or in any other manner, whilst the customs notes delivered to said agent are not realized, who in no case can demand a premium nor any commission for the sale of them.

9.

Ten years after having commenced the payment of the interests, the Government will add to the interest of 2½ per cent., which the new bonds receive, 1 per cent. per annum, calculated upon the capital, and destined to the amortization of same. The 1 per cent. before mentioned will also be paid from the net proceeds of the customs and guaranteed by the same.

10.

The payment of the exterior debt thus arranged, and with a view of finishing the railroad and supplying it with everything necessary, the company shall raise a sufficient capital, by means of bonds or in any other manner, which capital shall not exceed $6,000,000 in Costa Rica money, giving in mortgage for it the property acquired by virtue of this contract. The issue of these bonds shall not be at less than 85 per cent., nor at a higher interest than 7 per cent. per annum, and their proceeds shall be deposited in the banking house which effects the loan. Said house will continue paying to the contractor or to the person or persons who undertake the construction of the railroad, according as the work proceeds, which will be verified by certificates issued by the engineer of the Government of Costa Rica and that of the company. The Government of Costa Rica takes no responsibility whatever for the capital which

shall be raised by virtue of this clause, nor in the operations concerning it, and the interest shall be paid by the company from the proceeds of the railroad. From these proceeds so much per cent. shall be fixed by the subscribers towards the amortization of the capital.

11.

With the capital to which the foregoing clause alludes, the company will construct a railroad, which, leaving the borders of the river Reventazon on the Atlantic railroad, passes along the valley of the same river and ends in the city of Cartago. The grades of this line shall not exceed 3 per cent. in the tangent nor 20 degrees in the curves, and the materials used in said work shall be as good as the best used in the construction of the line from Limon to the town of Carrillo (before river Sucio).

12.

The capital of the new loan shall also be applied to repairs, improvements and preservation of the railroad between Limon and Carrillo, and between Cartago and Alajuela; the construction of the wharf, warehouses, stations and other necessary buildings for the service of the railroad, also for the purchase of permanent as well as rolling stock, and the complete furnishing of all the railroad, so as to render it fit for commercial traffic. The company engages, further, to transfer the station of Alajuela to a point not further than two hundred yards distant from the principal square of the same city.

13.

The company obliges itself to preserve in perfect state the line constructed between Port Limon and the town of Carrillo, and to maintain a regular traffic, with the necessary trains, running between those two points at least every other day during the time of the concession to which the present contract refers; also engages to alter and preserve in a good, serviceable state the central line of railroad from the time it is delivered up, as expressed later on, and for the term of this concession. The company promises equally to preserve in a serviceable state for all the term of the concession the railroad between Reventazon and the city of Cartago, with the necessary trains running for conveyance between the city of Alajuela and Port Limon once a day during the first six months of the year, and at least every other day during the remaining months. On the central division of the railroad, trains shall run twice a day between San José and the cities of Alajuela and Cartago.

14.

The company engages to construct and keep in good repair the wharf, or necessary wharves, in the port of Limon, for which it can make a small charge to ships who come alongside of them; but the wharfage duty belongs to the Government, who will begin receiving same as soon as the railroad works commence.

15.

The company may not charge more than $20, Costa Rican currency, per Spanish ton weight or measurement for the conveyance of merchandise imported or exported, whether from Limon to Cartago or to Alajuela, and intermediate points between these two cities, and *vice versa*. The local freight shall not exceed 20 cents per ton per mile. The company is obliged to carry merchandise mentioned in the clause in the order of preference of time in which they arrive at the railway stations.

16.

The company cannot charge more than 20 cents, Costa Rican currency, for each bunch of plantains for exportation, at whatever point of the line they may be received, nor more than $8, also Costa Rican currency, for conveyance to Port Limon for each ton of fruits, roots, vegetables, and woods; neither can it charge more than $5 for each horse or mule kind, $2.50 for each bullock or cow, and $1.25 for each sheep or smaller cattle.

17.

The company cannot charge more than 8 cents per mile for first, and 6 cents for second-class passengers. Children will pay half-fare, and those under two years shall ride free.

18.

The company agrees to carry free the diplomatic legations accredited to the Government of Costa Rica, and those of Costa Rica accredited to foreign Governments, to immigrants who come aided by the Government or companies authorized by same, their luggage and effects, the Government mails, troops, munition and garrison in relief. Government officials in commission will pay half-fare and the transport of effects or merchandise for account of the Government will be allowed a reduction of twenty-five cents on the tariff. The company will place especial trains at the service of the Government in urgent cases, whenever deemed so, on paying $50 for the cost of the whole journey. The company will have also a railway carriage styled "official" for the exclusive use of the President of the Republic, his secretaries of state, and other high functionaries. The company shall place on all the lines of telegraph established, or which may be in future established, a special wire for the exclusive use of the Government, the keeping of which in good working order being for account of the company, and in cases of necessity the said company will transmit free of charge, by its own lines, the official messages of the Governments.

19.

The company engages to arrange the exterior debt, and to obtain the capital referred to in the present contract within eighteen months from the ratification o this contract, to commence the construction of the railroad six months afterwards and to finish it in three years from the time the work is commenced. At the end of eighteen months, should the company not have have obtained the arrangement of the debt and capital, this contract shall be null and void, without attaching any responsibility to the contracting parties; it being understood that the Government in no case contributes to expenses of any kind which Mr. Keith may incur, the same being paid by him.

20.

The company which may be formed for the construction of the railroad shall be named "Costa Rican Railway Company," with its domicile in the place where it is incorporated, and shall have a general agent resident in the Republic, with full powers to treat on all matters which may arise concerning it, and in the event of applying to the law, it shall be to the tribunals of the Republic of Costa Rica, and the questions raised shall be solved in conformity with the legislation of the country.

21.

The Government of Costa Rica grants to the company for the term of ninety-nine years, in full right the lines of railway constructed between Limon and Carrillo, between Cartago and Alajuela and that which is to be constructed between Cartago and the present bridge of the Reventazon, on the Atlantic Railroad, including the telegraphic lines, movable goods, buildings, with the lands on which they are built, and all the accessories which are to-day considered in the service of the railroad, or which in future may be constructed with the same object. From the moment the company commences working the section of railroad which is to be built, the lines already connected with their dependencies will be delivered up. The ninety-nine years referred to in this clause to commence from the time that the railroad between Reventazon and Cartago is in working order.

22.

The Government concedes to the company 800,000 acres of uncultivated lands, either on the borders of the railroad, or in whatever other part of the territory, at the company's choice, with all the material wealth they may contain, as also the land for the construction of the railway and the necessary buildings, and all kinds of materials that may be necessary for the said work and which may be found on the uncultivated lands in the whole extension of the railroad, besides two lots of those already measured of national property in the port of Limon, in order to build wharves, warehouses, and stations; all without any indemnification whatever. The measuring and all preliminary works for the division and distribution of the 800,000 acres of lands shall be for account of the company, the Government only extending free of all cost the titles of the property when necessary. The Government cannot establish territorial imposts upon said lands during twenty years; the lands which shall not have been cultivated or in any other manner used shall return to the possession of the Government without said Government making any indemnification whatever.

23.

The company can introduce free of customs duties permanent and rolling stock, and material for use in the construction, working, and preservation of the railroad.

24.

The company may freely transfer its rights to any person or company; but in no case can this contract be transferred to any foreign Government.

25.

If it should suit the Government to extend or prolong in any direction whatever the lines of railway already conceded, it can do so for its own account; but should the Government prefer to make concessions or contracts for it with any person or private company, the company shall have the preference on equal terms.

26.

The company shall have the entire management of the railroad and concession of lands; notwithstanding, the Government reserves to itself the right of inspecting the books and operations of the company.

27.

Free of all charge and without any indemnification whatever on the part of the Government, at the conclusion of the ninety-nine years, the lands which may not have been sold, with all the rights that the company may have in them; as also the railroad with all its branches, permanent and rolling stock, telegraph lines, and all their accessories, will return into the possession of the Government, all of which shall be in good order, since it is understood that after the ninety-nine years the company will not retain in the country, neither by reason of the railroad or grant of lands, any right proceeding from this contract. To this end the Government, ten years before the expiration of the ninety-nine years' concession, will have a right to make a formal inspection of the line, its annexes, furniture, and material, and to exact of the company, if necessary, the repairs of all which may not be considered in good order for continuing the working of the railroad.

28.

The Government to receive from the company one-third of the ordinary paid-up shares, and for them shall have the right to one-third share of the dividends of the railroad. It will also have a right to one-half of the net proceeds of the cultivated or used lands, whether sold or let by the company during the term of concession of the railway.

29.

With respect to the dates mentioned in the present contract for commencing and concluding the railroad, should the company fail to comply with it as agreed, it shall pay, by way of a fine, $5,000 for the first month behind time, $10,000 for the second, and $20,000 for each successive month; unless said failure to comply were caused by superior force or by unforeseen circumstances.

30.

The railroad from Carrillo to Limon being actually rented to Mr. Minor C. Keith, and the Government being under the obligation to pay him for the various improvements that have been made, and may make on said line, and for the new materials and machine acquired for its equipment, as also the cost of the wharf in Limon; in case the time it is rented for should not arise at its conclusion it is understood that said renting being at an end by virtue of this contract, the amount which the Government should have to pay to said Mr. Keith for the aforementioned outlays shall be for the account of the company, taking into account the concession that the Government makes in all the lines, with its improvements and dependencies. The arrangement in this clause will be of no effect unless the contract is carried through.

31.

Whatever question may arise as to the interpretation of this contract, in respect to its execution and fulfillment, shall be decided without appeal by a tribunal of arbitrators and friendly umpires, composed of four individuals, two named by each party, and a third in case of dispute, who will be drawn by lots out of four persons

named in like manner. Said tribunals shall meet in San José, Costa Rica, without prejudice to that agreed in clause 20.

In faith of which we sign the present contract in the national palace of San José, Costa Rica, the 30th of July, 1883.

BERNARDO SOTO.
MINOR C. KEITH.

PRESIDENTIAL PALACE,
San José, July 13, 1883.

Approve the foregoing contract in every respect.
Signed by his excellency the President of the Republic. SOTO.

To the EXECUTIVE:

Given in the session hall of the national palace, in San José, the 18th of July, 1883.

JUAN M. CARAZO,
President.

VICENTE C. SEGREDA,
First Secretary.
R. CHAVARRIA,
First Pro. Secretary.

PRESIDENTIAL PALACE,
San José, Costa Rica, July 19, 1883.

Put into execution and authorize the honorable licentiate, Don Bernardo Soto, secretary of state in the departments of industry, finance, and commerce, to obtain from Mr. Minor Cooper Keith y Meiggs his consent to the modifications, suppressions, and additions agreed to by the most excellent Constitutional Congress to the preceding contract for the arrangement of the external debt of Costa Rica, and the conclusion of the railroad to the Atlantic.

V. FERNANDEZ.

The secretary of state in the departments of industry, finance, and commerce,
BERNARDO SOTO.

In the city of San José, capital of the Republic of Costa Rica, the 19th of July, 1883.

Present in the office of the undersigned secretary of state in the departments of industry, finance, and commerce, of the Governmentof Costa Rica, authorized the foregoing decree:

Mr. Minor Cooper Keith y Meiggs, citizen of the United States of North America, affirms that he accepts the modifications, suppressions, and additions agreed to by the most excellent constutional Congress to the contract which he signed the 13th of the present month of July for the arrangement of the external debt of Costa Rica and the conclusion of the railroad to the Atlantic. In faith of which we sign each one of the two copies in which are stipulated the said modifications, suppressions, and additions.

BERNARDO SOTO.
MINOR C. KEITH.

(No. 47.)

The constitutional Congress of the Republic of Costa Rica, decrees:

SOLE ARTICLE. Clause No. 9 of the contract celebrated between the honorable secretary of state in the departments of finance, commerce, and industry, duly authorized, and Mr. Minor Cooper Keith y Meiggs, the 13th of the present month, for the arrangement of the external debt and the conclusion of the railroad to the Atlantic, should be understood thus: "Ten years after having commenced payment of the interests, the Government shall add to the interest of 2½ per cent. which the new bonds carry, 1 per cent. per annum, calculated upon the whole capital destined to the amortization of same. The 1 per cent. before mentioned shall be also paid out of the net produce of the customs duties and guaranteed by the same."

To the EXECUTIVE:

Given in the session hall of the national palace, in San José, the 26th of July, 1883.

JN. M. CARAZO, *President.*

VICENTE C. SEGREDA, *Secretary.*
R. CHAVARRIA, *First Pro. Secretary.*

PRESIDENTIAL PALACE, *San José, July* 26.

Put into execution.

P. FERNANDEZ.

The secretary of state in the departments of industry, commerce, and finance,
BERNARDO SOTO.

No. 30.

Mr. Hall to Mr. Frelinghuysen.

No. 156.] LEGATION OF THE UNITED STATES,
Guatemala, August 10, 1883. (Received September 4.)

SIR: The President of Guatemala has issued a decree relative to the construction by the Government of a railroad from the port of Santo Tomas, on the Atlantic, to this capital. I inclose copies and translations thereof, and of an appeal which he makes to his people for co-operation.

From the 1st of January, 1884, a personal tax of $4 will be imposed on every Guatemalan having an income of not less than $8 a month; for this tax the payer will receive a proportionate interest in the road; the tax will not be collected from foreigners.

The estimated capital required for the work is $12,000,000, for which 300,000 shares of stock, at $40 each, will be issued.

As a means of bringing these shares into circulation, the Government reserves a strip of the public lands, a league in width, on either side of the proposed railway, for which, when sold, the Government will receive in payment the said shares only, at 25 per cent. premium during the first five years, and at 30 per cent. premium thereafter.

A board of three directors will have charge of the execution of the work and of the administration of its funds. The board will enter upon its preliminary labors as soon as its members shall be appointed.

The President appeals to the patriotism of his countrymen to co-operate with the Government in carrying out this enterprise, destined, he believes, to bring progress and civilization with it.

The motives of the President are praiseworthy beyond a doubt; but it is too soon to venture an opinion as to the probability of a realization of the project to which the decree relates.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 156.—Translation.]

Decree of the President of Guatemala relating to the construction of a railroad from Santo Tomas to Guatemala City.

DECREE No. 297.

I, J. Rufino Barrios, general of division and constitutional President of the Republic of Guatemala, considering:

That the construction of a railway which, starting from the port of Santo Tomas, on the Atlantic, should connect with the line leading to the Pacific, is a work of the greatest importance and transcendency that could be undertaken in favor of the civilization, aggrandization, and wealth of the nation;

That on the opening of that road depend the development of agriculture in the extensive and most fertile lands of the north; the active development of the natural products of all kinds in which they abound; the augmentation of population by the current of immigration from the north, which the very execution of the work would provoke; and finally, the incomparable development of commercial business and of general traffic by way of the territory of the Republic between sea and sea;

That the Government, persuaded of the great necessity of the country for that road, has not ceased to exert itself to furnish it, granting privileges and ample concessions, which, although justified by the importance of the object, would nevertheless entail a costly sacrifice of interests and a quasi dependence of the country on the foreign company that should take charge of accomplishing it;

That, notwithstanding the concessions and privileges which to assure the future of

the Republic the Government was disposed to grant, it was not possible to effect a solid and convenient arrangement concerning the construction of said railway;

That by means of the favorable situation reached by the public wealth and the most extensive distribution of it to-day, it is possible to carry into effect the patriotic idea, pleasing to all, of executing the great work of the railroad to the north with national resources; and to execute it, not only without greater burdens or exertions for the contributors, but with positive benefit to themselves or to their inheritors and successors, who would come to enjoy the benefits of the enterprise;

That, apart from this, the Republic would obtain an immense advantage in the simple fact of freeing itself from the necessity of making an outlay four times greater, and of subjecting itself to the most onerous recourse of concessions and privileges if the work had to be done by a foreign company, which consideration should weigh heavily with the patriotism of the Guatemaltecos in support of the national work; and, finally—

That to obtain the necessary funds for the enterprise, a small contingent on the part of the generality of the Guatemalans is sufficient.

Therefore, and in virtue of the faculties with which I am invested, I decree:

ARTICLE I. The railway which is to unite this capital with the port of Santo Tomas on the Atlantic, touching in its course the points most important for commerce and agriculture in the regions of the east and north of the Republic, shall be constructed for the account of the nation.

ART. II. To that effect an obligatory national tax, reduced to the small amount of $4 per year, shall be levied for the term of ten years, which shall commence to be counted from the 1st of January, 1884, on and which shall be paid by all Guatemalans who by reason of business, wages, salary, or emolument, may have a monthly income of not less than $8.

ART. III. The payment of the tax shall be made quarterly, $1 being paid in each of the months of March, June, September, and December of each year.

ART. IV. Every subscriber shall be inscribed immediately in the character of shareholder in the Northern Railway, with a right to the benefits of the enterprise in proportion to the amount of the quota he subscribes.

ART. V. Every individual subject to the tax, who refuses to pay the obligatory quota, shall be compelled to satisfy it, after the last day of the quarter, with a fine of equal amount, which fine shall enter the treasury of the railroad as an extraordinary receipt in benefit of the enterprise.

ART. VI. Foreigners resident in the country are permitted to inscribe themselves in the national subscription under the general conditions of the enterprise.

ART. VII. The rate being $4 per year, exceedingly small for all persons of better resources, who can in proportion easily subscribe larger quotas, they are solicited in the name of patriotism to do so, and to aid in this manner the prompter and better outcome of this grand enterprise.

ART. VIII. There shall be emitted 300,000 shares to the bearer, of the value of $40 each, in representation of a nominal capital of $12,000,000, which is deemed sufficient for the cost of the work. Said shares shall be divided into ten bills, each one corresponding to one year of the subscription.

ART. IX. To the end of giving place immediately to the commercial movement of bills becoming due, the Government reserves and destines exclusively from this time all the national lands along the railway, on both sides, and to the extent of one league in width, to be sold only in exchange for railroad bills, and in no manner for cash. In the sale of said lands the Government will receive the bills during the first five years, granting on their value a premium of 25 per cent., and one of 30 per cent. after the said five years.

ART. X. The shares which the Government may receive by this means shall go to the benefit of the national treasury as product of lands.

ART. XI. An independent directive committee, composed of three individuals, which shall operate under the inspection of the executive, shall take charge of all concerning the execution of the work of the railroad, with the representation of the enterprise and administration of its funds, commencing its preliminary labors as soon as the citizens forming it have been designated.

ART. XII. The directive committee shall cause to be published for the information of the public, every four months, a detailed statement of the situation and progress of the labors of the railroad, as well as also the balance of the accounts.

ART. XIII. The department of *fomento* is charged with emitting the regulations for organizing the commissions, collectors of the national subscription, and other dispositions conducing to the execution of this decree.

Done in the palace of the executive power, in Guatemala, on the 4th of August, 1883.

J. RUFINO BARRIOS.

FRANCISCO LAINFIESTA,
Secretary of State in the Department of Fomento.

[Inclosure 2 in No. 156.—Translation.]

J. Rufino Barrios, general of division and constitutional President of the Republic of Guatemala, to the natives of Guatemala:

FELLOW-CITIZENS: The decree issued on this date informs you of the resolution which I have adopted, with the object of carrying into effect, with the proper resources of the country, the most important work of the railway which should open to the public for its prosperity and enlargement the road to the north, which is called for to give a quicker exit for our products; called for to promote and sustain the cultivation of immense tracts of land, to-day abandoned; called for, in fine, to bring to us over the currents of the Atlantic the progress of civilization on a grand scale.

In taking this resolution, and imposing upon you the small sacrifice of making a little annual saving, which will be returned to you with interest by the same works to which it is destined, I believe I have interpreted the national feeling which on various occasions has shown itself in favor of this thought, which frees the country from costly sacrifices which the privileged concessions to foreign companies regularly give rise to.

The work which is going to be undertaken is not beyond our resources, and, executed for our own account, must appear to us excessively cheap when it is accomplished and we find ourselves enjoying its unappreciable benefits.

This work is the best inheritance which we can leave as a legacy to our sons, because on it depends the richness of the future, and it will be within a short time a flattering reality of the spirit and conviction which lead me to undertake it, encounter, as I hope they will, the aid and efficacious co-operation of my fellow-citizens.

The form adopted to collect the capital which the construction of the Northern Railway requires, distributing over large areas the small sum which must be paid for by subscription, is combined with the view that the poorer classes may be able to cover it easily, and at the same time that they may without effort go on forming with those small sums a saving which, on the accomplishment of the work, will be of great profit to them. The same combination is offered, so that the wealthier classes may contribute to the enterprise according to the scale of their fortunes.

To each class, therefore, I make a most urgent appeal, in the name of the future of our country, that we being inspired with the desire for its greatness and happiness, may resolutely work on this undertaking of the Northern Railway, which contains most beautiful expectations for our beloved Guatemala, of being justly blessed by generations to come, when history reminds them that they owe to the patriotic spirit of the natives of Guatemala the first passage of the locomotive from the Atlantic to the Pacific. Fellow-citizens, it will be a day of great glory and joy when the resounding whistle of steam coming from the north calls at the gates of our beautiful capital. Let us then hasten the coming of that great day by the union of our wills, of our efforts, and of our work.

Your fellow-citizen and friend,

J. RUFINO BARRIOS.

GUATEMALA, *August* 4, 1883.

No. 31.

Mr. Titus to Mr. Frelinghuysen.

No. 19.] LEGATION OF THE UNITED STATES,
Guatemala, October 25, 1883. (Received November 17.)

SIR: On the 5th of the present month President Barrios called an extra session of the Assembly for the purpose of considering a proposal for the arrangement of the foreign debt, which had been agreed upon by the Guatemalan minister in London and the English bondholders.

The Assembly refused to approve the plan proposed.

During the session the Government submitted a law authorizing the expulsion by the President, or President and Cabinet, of any foreigner who may be considered "pernicious."

I inclose a copy of the decree, and a translation of the same.

As you will observe from the wording of the law, the Executive is, in effect, authorized to expel any foreigner he chooses.

This act is creating considerable unfavorable comment on the part of resident foreigners; not that it will be likely to cause any difference in the practice of the authorities, but as an open declaration of their principles and intentions.

I have, &c.,

FRANK H. TITUS.

[Inclosure in No. 19.—Translation.]

DECREE No. 67.

The legislative Assembly of the Republic of Guatemala, considering:

That it is a duty of the state to maintain public order and guard the general interests;

That that order as well as those interests may be affected by foreigners who may abuse the hospitality of the country, and the benefits and protection which our laws concede them;

That it is a right inherent in the sovereignty of nations to not admit into their territory pernicious foreigners or to cause them to leave it, a right recognized in the legislation of civilized countries, decrees:

ARTICLE I. The President of the Republic may order of his own authority (*por sí*) by a simple governmental proceeding, the expulsion of any foreigner who may compromise the internal tranquility or external security of the Republic, or who may have been condemned in it for grave offenses, or may be pursued for offenses, also grave, committed without the country.

ART. II. He may also, in accord with the council of ministers, order the expulsion of the foreigner whose admission or permanence may be judged pernicious.

ART. III. The order shall be communicated by means of the *jefe político* (governor) of the department in which the foreigner may be found, and to whom he shall designate, according to the circumstances, the time within which it must be fulfilled.

ART. IV. In case of the disobedience of the notification of the authority, or that the person expelled from the territory return to it without proper permission, he shall incur the penalty of one year of imprisonment, which may be commuted for a sum of from $200 to $1,000, without prejudice, after the imposition of the penalty, of the fulfillment of the order causing him to be conducted to the frontier.

Let it pass to the Executive for publication and fulfillment.

Done in the hall of sessions, in Guatemala, the 14th of October, 1883.

ANGEL MARIA ARROYO,
President.
E. MARTINEZ SOBRAL,
Secretary.
SALVADOR BARRUTIA,
Secretary.

NATIONAL PALACE,
Guatemala, October 14, 1883.

Let it be fulfilled.

J. RUFINO BARRIOS.

FERNANDO CRUZ,
Secretary of State in the Department of Foreign Relations.

CHILI.

No. 32.

Mr. Frelinghuysen to Mr. Logan.

No. 12.] DEPARTMENT OF STATE,
Washington, June 26, 1882.

SIR: The war between Peru and Bolivia on the one side and Chili on the other began more than three years ago. In 1880 the substantial success of Chili, and its conquest and occupation of all the littoral territory of Bolivia, furnished an opportunity for a pause in operations and for negotiations for peace, which were conducted in the presence of the representatives of the United States. At that time a peace could probably have been secured upon much more favorable terms for the defeated party than are possible now. The allies refused then to concede territory to Chili, and the negotiations failing, the war was continued until Chili became master of the coast and of the capital of Peru. President Pierola fled, and Mr. Calderon was made President and Mr. Montero Vice-President of Peru. This Government was recognized by the United States. The Chilian authorities arrested Mr. Calderon and carried him to Chili, and the United States continued to recognize the same Government in the person of Mr. Montero.

After the arrest of Mr. Calderon the President sent a special mission to both countries in the hope that a way might be found for terminating the war through the exercise of the good offices of the United States. It was hoped that Peru and Bolivia might, through our generous and unselfish counsels, be brought to see that Chili, as a conqueror, had a right to substantial indemnity as the result of victory. On the other hand, it was also hoped that Chili might be found willing to accept a money indemnity sufficient to compensate her for the losses and expenses of war without demanding a sacrifice of territory from the other belligerents. All these hopes proved to be groundless. The mission returned, having effected nothing beyond giving new proof to all parties of the good will of the United States, and of their desire to bring about an equitable and lasting peace.

Notwithstanding the failure of past efforts, we have reason to think that both parties still wish for peace, and that both still desire to have it effected through the good offices of the United States. It will therefore be the first and most pressing duty of the new missions to Chili and Peru to co-operate for that purpose.

The consistent and continuous effort of the United States to bring about an understanding and amicable settlement between her sister Republics of the South Pacific indisputably attests the deep interest of this Government in the welfare of those countries, and illustrates the sentiment with which the United States regards all the other independent Governments of the American continent. It is but natural that each of those independent Governments should feel an interest approaching to a responsibility in the preservation of the distinctive principles which underlie their whole structure. This interest has been unmistakably shown by the United States as a member of this cluster of Governments in their relations to the present belligerents in a very earnest manner and in all proper ways, and the intensity of this interest has not abated.

Without a disposition to judge of the merits of the matters in dispute

between the belligerent Republics, and with no desire to interfere in their internal affairs, we have used every effort to reconcile their differences in a manner consonant with the honor and dignity of all parties to the strife. It is imperative that we continue, if possible, so to use our efforts until they are crowned with success or until they result in pronounced failure. The interest which we feel in these belligerent Republics does not rest solely and entirely upon a sentiment of neighborly good will towards Governments moving with us in the same direction, and with whose people we desire to cultivate close relations of a commercial and amicable character. There is a circumstance underlying an existence as Republics which should not be ignored, and which relates to the fact that our Governments are not alone formed upon plans distinct from those of the old world, but that we have many political interests entirely separate from the interests of European Governments, and in some respects in conflict with them.

Out of this circumstance springs a subject which it is not now necessary to dwell upon, but in which all the Republics of these continents are equally interested. Should the subject be presented in a different form, one affecting the well-being of the American Republics in general, the United States might feel it their duty, both to themselves and to their sister Republics, to assume a position which is not demanded in the present case.

This Government is now prompted however, not alone to use every effort to bring about a speedy peace between the contestants, but also to express disapprobation of any settlement which involves injustice to either party. Our position in this sisterhood of states gives us the right and makes it our duty to speak in behalf of the common interests of all.

As a conquering nation Chili is entitled to the reasonable and natural fruits of victory, chief among which are an indemnity to cover her just losses and a guaranty of future peace and safety. What may be the nature of the indemnity and what that of the guaranty, this Government cannot undertake to dictate or to prescribe. A proper indemnity may involve a payment of money or even the cession of territory, and the guaranty, to be effectual, may exact stipulations relating to the control of strategic points or may even assume other forms as they may be found necessary to attain the end desired. We, in common with the other American Republics, are only interested to prevent by our counsels the perpetration of substantial injustice. The President has been disappointed by the failure of the parties to conclude a peace. Without completely subjugating her adversary Chili has caused the disorganization of the Government of Peru, paralyzed its financial interests, and disastrously affected the pecuniary and other interests of those citizens of neutral states who have gone there to assist in the development and progress of the country.

This state of affairs should be terminated, and will be if friendly counsels are allowed to prevail. If, upon your arrival in Chili, it seems advisable so to do, you will in a prudent and courteous manner communicate the substance of these views to the Chilian Government at such time and to such extent as you may deem proper, and you will signify your disposition, under instructions of your Government, to render every assistance within your power towards bringing about the much-desired settlement.

Owing to the great distance of Chili from the United States and the rapidity of events in such crises, it will be impossible for you to communicate with this Government for instructions upon subjects which

may be settled before an answer can reach you; much, therefore, must be left to your own judgment and discretion.

You will continue the efforts of your Government to induce Chili to settle the difficulty by such moderation in her demands as you may be able to bring about, taking care to impress upon that Government that any substantial concession which it may now make will be regarded as a direct and graceful recognition of the disinterested counsels of the United States.

It is understood that Chili is in possession of the littoral province of Bolivia and of the Peruvian littoral provinces of Terapaca, Tacna, and Arica. It is not supposed that any contingency can happen which will bring about the permanent occupation and annexation by Chili of any larger part of Peru than this. Your efforts, therefore, must be directed towards securing for Peru as large a part of these provinces in the treaty of peace as possible, and as large a money indemnity as possible for whatever territory may be retained by Chili.

In my instruction to Mr. Trescot, of the 9th of January last, I said:

> The President wishes in no manner to dictate or make any authoritative utterance to either Peru or Chili as to the merits of the controversy existing between those Republics, or as to what indemnity should be asked or given, as to a change of boundaries or as to the personnel of the Government of Peru. The President recognizes Peru and Chili to be independent Republics, to which he has no right or inclination to dictate.

The President adheres to these views and expects that they will be regarded in the conduct of these negotiations.

Beyond these general instructions, the President confides everything to your good judgment and discretion. You are selected for this responsible position in consequence of your long experience in Spanish-American affairs, your personal acquaintance with many of the actors in this great drama, and the confidence which is reposed in your character and discretion. It is not thought wise to hamper you by any further restrictions than are indicated by this general expression of the President's wishes.

Should the Government of Chili be inclined to avail itself of your services in arranging terms with whatever Government of Peru may be in existence, and request your aid, you may proceed to Peru or Bolivia in your official character for that purpose, co-operating with your colleagues in Lima and La Paz. It is not necessary to advise you to be careful not to encroach upon the rights especially belonging to them. These officers will be advised of this portion of your instructions, in order that no misunderstanding may result therefrom.

The President does not apprehend that Chili will refuse to listen to your overtures, dictated as they are by a sincere desire to aid in the honorable adjustment of a conflict which the belligerent powers must desire to see terminated. On the contrary, he feels confident that it will be your good fortune to render material assistance in conferring upon all the belligerents the blessings of peace. Should, however, these just expectations be disappointed, and should Chili refuse to moderate her demands to a point to which you may be willing to commit the United States as a mediating power, then the responsibility of continuing the present condition of affairs must rest upon Chili alone.

Should this contingency arise you will immediately notify me of it by telegraph, when the President may wish to confer with you personally, and may direct you to come to Washington at the earliest opportunity. Should you be so directed you will inform the minister for foreign affairs that your Government, having exhausted every expedient to bring about

a settlement on a basis to which it can lend its countenance, desires to confer with you personally upon the position of things in Chili and Peru, and has granted you leave of absence for that purpose. You will thereupon place the archives of the legation in the custody of the consul at Valparaiso without conferring upon him any diplomatic power.

It is absolutely necessary that you and Mr. Partridge have a complete understanding with one another, and that you act in entire harmony. I hand you herewith the original * instructions to him on this subject, which you will read, and I will thank you to stop at Lima over one steamer in order to put them in his hands, and to have a full and frank conversation with him. It is probable, also, that your stay there may be useful to you in other ways.

I hand you herewith the * instructions for Mr. Maney, which you will read and forward to him. Our ignorance of affairs in Bolivia makes it impossible to give him more specific instructions.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 33.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 15.] LEGATION OF THE UNITED STATES,
Santiago, October 26, 1882. (Received December 6.)

SIR: Under cover of this dispatch I inclose the copy of a note addressed by myself to the minister of foreign affairs, covering in a brief and compact form the history of the recent peace negotiations with Señor Garcia Calderon. My previous dispatches to you embrace the same subject in a much more detailed and extended form.

* * * * * * *

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 15.]

Mr. Logan to Señor Aldunate.

LEGATION OF THE UNITED STATES,
Santiago, October 18, 1882.

SIR: I have the honor to acknowledge the receipt of your excellency's esteemed note of yesterday, requesting me to furnish you a brief statement of the various attempts to agree upon a basis of terms for a treaty of peace between Chili and Peru.

In reply I beg leave to assure you of the pleasure it will afford me to give you a short history of the negotiations referred to.

At the interview held with your excellency after the interchange of notes under date of September 9 ultimo, I stated to you that, as my Government could not feel that the terms of the protocol of Viña del Mar were such as it could recommend Peru to accept, I was anxious that some substantial modification of those terms might be made, in order that my Government could be able to use its good offices in bringing about a peace between its friends. After further consultation, you said that the demands of Chili would be reduced practically to three conditions: first, the cession of Tarapaca; second, the right to purchase the district of Tacna and Arica for a nominal sum of money; and, third, the right to control the sale of guano advertised

* For instructions referred to see Peru.

for the 18th of October. You further said that these conditions were absolute and final.

I then had a conference with Señor Calderon, to ascertain what his views would be upon these conditions. This gentleman said that without some authoritative expression from his people he did not feel at liberty to agree to any peace upon the basis of a cession of territory. He desired a truce of three years, during which time the opinions of the Peruvians might be unified and a line of action clearly defined. I presented this request for a truce to your excellency, who immediately declined to entertain the proposition. I then requested permission to allow Señor Calderon to go to Peru for a short time, in order to consult his people upon making a peace upon the terms proposed by your excellency. It was not deemed expedient to grant this request. I then asked that he be permitted to go to Angol, where a number of prominent Peruvians are domiciled, and offered to accompany him in person. This permission was granted, and our voyage to that place was facilitated by your excellency.

At Angol we had long consultations with Señor Calderon's friends, and a conclusion was arrived at which rendered me entirely confident that Señor Calderon would be able to comply with the requirements of your excellency's Government.

Soon after our return to Santiago, my understanding is, that Señor Calderon received advices directly from his people in Peru, which seemed positively to prohibit his making an agreement to sell the territory of Tacna and Arica, though he felt fully authorized to consent to the cession of Tarapaca. In consequence of these advices Señor Calderon has steadily refused since that time to consent to a direct sale of the territory alluded to.

This decided opposition of the parties has given rise to the various efforts at a compromise. These efforts have been made upon the basis of several proposals, mostly originated by myself, and may briefly be enumerated as follows:

First. In order to remove the difficulty regarding the sale of Tacna and Arica, I proposed a treaty on the basis of ceding Tarapaca, with a separate article presenting the question of Tacna and Arica, to the Peruvian Congress for its own decision, without any recommendation from Señor Calderon. This proposal was declined, both by your excellency and Señor Calderon.

Second. I proposed to make the river Azufre the boundary line, giving Arica to Chili and Tacna to Peru. This proposal was not accepted by either party.

Third. This suggestion came from your excellency's Government, and was made into a formal proposal by myself. Owing to a mistake of my own, as to one of the conditions, the proposition was first made to Señor Calderon as follows: Chili to have military occupation of Tacna and Arica for five years, at the end of which time a vote to be taken by the people of the territory to determine whether they would attach it to Chili or to Peru. If the vote took the territory to Chili, the latter was to pay Peru $10,000,000 in compensation. Chili was to pay Peru $3,000,000 as a loan, upon the ratification of the treaty, and if Chili afterwards obtained the territory by a vote of the people thereof, this amount was to be deducted, leaving Chili seven millions still to pay. If the territory went to Peru, the latter was to repay the three millions with 6 per cent. interest, and Chili was to retain possession of the territory until the whole amount was paid.

The mistake made by me above referred to, was that your excellency's Government, while being willing to pay $10,000,000 for the territory, if voted Chili, also expected to receive $10,000,000, if voted to Peru.

Señor Calderon, however, refused the proposal in its more favorable form, and it was useless to present it to him in the other form, even if I had felt authorized to commit my own Government to it in that shape.

Fourth. I proposed to Señor Calderon that Chili should have military occupation of Tacna and Arica for ten years, and then evacuate it. He declined this, and it was not presented to your excellency.

Fifth. I proposed to submit the following question to the President of the United States, in the capacity of a friendly arbitrator:

"Shall the Chilian Government as a measure growing out of the necessities and manner of settlement of the war have the right to purchase the Peruvian territory lying between the river Camarones and the river Sama, for the sum of $9,000,000, with the stipulation that Bolivia shall be given the perpetual right to the free and innocent passage over said territory, with perpetual freedom from export and import duties, upon the conclusion of a satisfactory treaty between the latter Republic and the Republic of Chili?"

Señor Calderon accepted this proposal, but your excellency declined it, chiefly for two reasons; firstly, because to refer such a question at this time to a foreign ruler would be practically to place the results of the war in the hands of a foreign state, which would be an infringement upon the sovereignty of Chili; and secondly, because to admit the possibility of a decision against Chili, would be to yield all claim upon the district in question, a claim which she has constantly made since the conference of Arica.

Sixth. I then proposed to Señor Calderon that Tacna and Arica should be ceded to Bolivia. This proposal he declined, and it was not presented, therefore, to your excellency.

Seventh. I then proposed that the following question be submitted, *not* to the head of a foreign Government, but to a diplomatic representative friendly to both parties, who should simply be regarded in the light of an impartial referee:

"Shall Chili have the right to purchase the territory embracing Tacna and Arica for $9,000,000, or shall she have military occupation of the said territory for a period of fifteen years, being obliged to evacuate it at the expiration of that period?"

As this proposition removed your excellency's objection to a foreign ruler, and also secures either the purchase of the territory or its occupation for fifteen years, your excellency consented to accept it, in substance, as the basis of a negotiation. Señor Calderon also consented to it, and I rejoiced in the belief that we were to have peace at last.

When we came to the arrangement of details of procedure, Señor Calderon made certain stipulation to the effect, first, that a clause should be inserted in the treaty, that Chili should pay all of the legitimate debts of Tarapaca, and "make arrangements conducing to a compliance with the contracts of the Peruvian creditors"; secondly, he proposed making a protocol with the American minister at Santiago, setting forth the terms of the agreement, after which he was to be put in liberty and proceed to Arequipa; he was then to assume direction of his Government, and nominate a plenipotentiary in Lima, to sign with the Chilian representative a truce for six months; thirdly, after the signing of the truce, an election was to be held in Peru for members to a new Congress, to deliberate upon the proposed terms of peace, which, if ratified by the Congress, were to be embodied in a formal treaty to be signed by authorized plenipotentiaries on both sides, at Lima; fourthly, in case of non-ratification by the Congress, notice thereof to be given to Chili, who might resume hostilities thirty days after receiving it.

In defense of these stipulations, Señor Calderon urged that Arequipa was the capital of Peru, and that he would have to observe the form of again assuming direction of the Government; that to hold the Congress in Lima would be to place it under the military control of a foreign power, and that he himself would be as much a prisoner in Lima as in Santiago. In order to act freely they must all be outside the Chilian lines. He also claimed that six months was a very short time in which to hold an election, &c.

Your excellency declined all these stipulations. First. You said that there was no need to make any stipulation in the treaty concerning the Peruvian debt, as the responsibility of your Government was fixed by law and by the guano decree of February last, under which $240,000,000 of that indebtedness had been arranged for with the bondholders. Second. That instead of going to Arequipa, Señor Calderon must proceed to Lima, sign a preliminary treaty, convoke the Magdalena legislature, and in forty-five days confirm or reject the treaty. Your excellency proposed withdrawing the Chilian troops temporarily to Callao in order to leave Lima free to the legislature. Third. Your excellency declined a truce of six months, as it would lose to Chili the advantage of her present situation and expose her troops to the attacks of guerrillas, who would not respect any truce.

In the discussion which followed neither your excellency nor Señor Calderon felt disposed to recede from the position taken, and the promised peace failed.

I believe I have given the substantial facts of the case in the foregoing statement, though if I have made any error I shall be glad to have your excellency correct it.

I embrace, &c.,

C. A. LOGAN.

No. 34.

Mr. Logan to Mr. Frelinghuysen.

No. 17.] LEGATION OF THE UNITED STATES,
Santiago, October 31, 1882. (Received December 16.)

SIR: I have to inform you that the sale of 1,000,000 tons of guano by the Chilian Government, advertised to take place last August, but postponed until the 18th of the present month, came off in this city upon the latter date.

There were nine bids in all, one of which came from the American firm of Grace & Co. The Chilian Government had adopted the stand-

ard rate of the English market as the basis of price. This standard relates to a unit founded upon the percentage of nitrogen and phosphorus which different samples yield upon chemical analysis. The rate is 21 shillings for the unit of nitrogen, and 4½ shillings for the unit of phosphorus. The price of the guano per ton being fixed, therefore, the real bidding took place upon what is called the *forfait*, or the cost of removing it from its place of deposit to the European market, which includes digging, shipping, bags, insurance, landing charges, storage, porterage, commission, interest on money, &c. The effect of this was, of course, that the lowest bid for *forfait* left the Chilian Government the largest price for the guano per ton delivered in Europe, at the foregoing established rates.

The bidding upon the *forfait* ranged from £5 10*s.* to £2 19*s.* 10*d.* per ton. This latter bid was made by Miguel Baillie, of Paris, secured by an indorser, and a deposit of $500,000 forfeit money in a Valparaiso bank. Being far below all other bids, the contract was awarded to M. Baillie.

The impression of some here is that the bid is made by Dreyfus. All, however, agree in the statement that the contractor can make no money out of it, but upon the contrary must lose a considerable sum.

I have, &c.,

C. A. LOGAN.

No. 35.

Mr. Logan to Mr. Frelinghuysen.

No. 20.] LEGATION OF THE UNITED STATES,
Santiago, November 8, 1882. (Received December 16.)

SIR: I avail myself of the opportunity furnished by your dispatch No. 13, under date of July 10 ultimo, relating to the claim of Mr. R. de Rutte, a Swiss citizen residing in Peru, to advise you of the fact that the Chilian Government has signified its desire to arrange all claims of neutrals representing themselves as having suffered by the war, through a mixed commission. With this end in view conventions have been formally signed by the Chilian Government and the representatives of Great Britain, France, Germany, and Italy. These conventions are modeled after the treaty of Washington, which they almost copy, with the necessary changes. It is especially provided that all claims must be presented by a Government who stands sponsor for them.

A number of claims of our own citizens are on file in this legation, and more are to be presented. It will be the better plan to arrange a claims convention similar to those above mentioned. The judicial method of settling claims is far superior to diplomatic controversy. If this plan should meet your approval, a power may be sent me to conclude a convention.

I have, &c.,

C. A. LOGAN.

No. 36.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 22.] LEGATION OF THE UNITED STATES,
Santiago, November 10, 1882. (Received December 16.)

SIR: Referring to that portion of my instructions desiring me to inquire into the circumstances of the abstraction of Minister Adams's official correspondence, I inclose under cover of this dispatch, marked No. 1, the translation of a note from the minister of foreign relations of Chili, directed to myself, which latter incloses an official copy of the sentence of the court upon the culprit Fariña. This document is also inclosed herein and marked No. 2.

You will doubtless perceive a singular anachronism in the proceedings. The sentence of the court bears the date of July 24 last, and states that Fariña's imprisonment began on the 29th of March. The prisoner was sentenced to sixty-one days of solitary confinement, which period would terminate on the 29th of May following. From this it would appear that he had already been apprehended, had served sixty-one days, and had been discharged from custody before his trial began at all.

* * * * * *

As our neighbors have complied with their duty in form, * * * and as no good can result from pressing the matter, I recommend that no further action be taken in the premises. I shall hold the case open as it now stands, however, with the view of executing any new instructions you may desire to give me.

I have, &c.,

C. A. LOGAN.

[Inclosure 1 in No. 22.—Translation.]

Señor Aldunate to Mr. Logan.

SANTIAGO, *November* 8, 1882.

SIR: In answer to the note of your excellency, dated the 27th of October ultimo, in which your excellency signifies the desire to know the facts connected with the trial and punishment of the individual guilty of intercepting the correspondence of General Adams, United States minister in Bolivia, I have the honor to inclose an official copy of the sentence pronounced in the case by the judge of crime in this city. In this your excellency will find a clear but succinct exposition of the circumstances giving origin to the process, the reasons which caused the dismissal of other charges which at the beginning it was thought the prisoner was liable to, and, finally, the condemnation and punishment of the delinquent.

In the confidence that with the inclosure of the accompanying document I have complied with the desires of your excellency in the above mentioned communication, I reiterate, &c.,

LUIS ALDUNATE.

[Inclosure 2 in No. 22.—Translation.]

Sentence of the court.

SANTIAGO, *July* 24, 1882.

This process is founded in a diplomatic claim directed to the Government of Chili by Mr. W. Henry Trescot, special envoy extraordinary of the United States of North America, for the abstraction and opening of the correspondence directed by the Cabinet of Washington to Mr. Adams, minister resident at La Paz. In fact, four packets

thus directed had arrived in the hands of Señor Benjamin Vicuña MacKenna, which the latter delivered to General Foote, United States consul, this being the origin of the claim.

The minister of foreign relations of Chili at once made active efforts, though without result, to discover the office where the act had been committed, until the receipt by the said minister of the letter in copy, dated the 19th, in which Don José Gregorio Fariña Bravo, employé of the custom-house and post-office of Cobija, announced himself as the author of the abstraction of the four referred-to packets. Being put in prison, the said Fariña Bravo confessed to have taken them, in order to send them to Señor Vicuña MacKenna, in which he said that the latter might become acquainted with their contents if he thought it convenient; and he added that he sent them with the belief that the correspondence might have some interest for the cause of Chili; that he had sent them himself without the counsel or co-operation of any other person, and that this is the only act of the kind that he has done during his service as an employé. During the course of this process the chief of the post-office in Cobija, Don Manuel Varas Arriagada, and another employé of the office, Don Vicente Gutierrez, were placed in prison upon suspicion of culpability in unduly retaining correspondence arriving at that port destined to La Paz, but having proven themselves guiltless, they were discharged for the offense of June 2 last.

In regard to the prisoner, considering first that the prisoner, Fariña Bravo, confesses to have abstracted the four packets of correspondence alluded to from the post-office in which he was serving as employé, diverting them from their proper destination; second, that there is in favor of the prisoner the circumstance of his having denounced himself and spontaneously confessed the offense; third, that the correspondence had not been opened since the four packets had been placed in the hands of Mr. Foote by Señor Vicuña MacKenna with their seals unbroken; fourth, that neither was there any serious delay in the sending of the correspondence from Cobija to La Paz on account of the interruption of communication between the said port and the interior of Bolivia; fifth, that this communication being suspended, the office at Cobija was not obliged to send by another route correspondence directed to the latter for transmission to La Paz, or any other place in the interior, for reasons given by the director-general of the postal department in his report to the 5th, remembering also the disposition of the laws (2d chapter 13, part 3; 26th chapter, 1st part, and articles 11, No. 8, paragraph 2d, and 156 of the penal code), I condemn the said Don José Gregorio Fariña Bravo, native of Linares, married, and who knows how to read and write, for abstraction and interception of correspondence in the post-office in Cobija, to sixty-one days of solitary confinement, which are to be counted from the 29th of March last, the date upon which he was placed in prison; I acquit him of the other charges of the accusation.

Let it be noted.

HUIDOBRO LILLO,
Secretary.

This conforms to what is found in the book referred to.
SANTIAGO, *November* 3, 1882.

R. LILLO.

No. 37.

Mr. Logan to Mr. Frelinghuysen.

No. 23.] LEGATION OF THE UNITED STATES,
Santiago, November 13, 1882. (Received December 27.)

SIR: The Chilian Congress met in special session on the 8th instant. Under cover of this dispatch, I inclose a newspaper print of the report of the minister of foreign relations which contains much matter of interest. I would be glad to send you a complete translation of the whole document, but I find it impossible to do so, under the great pressure of clerical work to which I am subjected. I inclose a translation, however, of that portion of the report relating to my own recent negotiations in behalf of peace. You will not fail to notice the generous acknowledgments the minister makes of the efforts of your representative.

The concluding paragraphs will be of interest to you as conveying

the statement that the method of indirect negotiation, through your representative, must not be considered as definitely abandoned.

Other portions of this important document will be presented to you in subsequent dispatches, and as soon as the report reaches me in pamphlet form it shall be transmitted to you.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 23.—Translation.]

Extract from the report of the Chilian minister of foreign relations.

THE MISSION OF MESSRS. TRESCOT AND LOGAN.

The attention which was due to the exterior policy lately displayed by the United States has been without doubt a principal part in the labors of this department. Confiding in the traditions of the Government of Washington and of all its successes, Chili could never suppose that that Republic might make diplomatic difficulties, which would bring to us new and deplorable complications in the war of the Pacific. If late acts signalized a momentary danger in the attitude of the American Cabinet, others elevated and generous very soon dispelled them.

Our international relations with that country may be divided into three distinct phases, which may be referred to the time of existence of the actual administration. The first comprehends the direct action of the Government of Chili with the representatives of the United States on the Pacific from the 18th of September, 1881, to the period when Mr. W. Henry Trescot, special envoy extraordinary and minister plenipotentiary of the Washington Cabinet, left Callao. The second embraces the labors of our minister plenipotentiary in the United States from his arrival in that country to the date on which he was accredited with the same character to the cabinet of London. The third embraces the occurrences which had taken place in the United States and in the Pacific, from the departure of Mr. Trescot until the present date.

The first part of these questions is historical and detailed in the written memorandum which my honorable predecessor has left upon the subject. The second is contained in the detailed memorial of our diplomatic agent in Washington. Both documents are attached as annexes to the present memorial. For that which relates to the third phase of what may be considered our relations with the United States, I can only give to Congress the brief statement of the present condition of these negotiations, which, being still pending, I am permitted to reveal for the moment.

As to the questions initiated by Mr. William Henry Trescot, questions which terminated in the well-known protocol of the 11th of February of the present year and signed in Viña-del-Mar, it was believed that the United States would definitely ter minate all future intervention in the contest of the Pacific.

In fact the official note under the date of the 14th of February last, which the before-mentioned Mr. Trescot addressed to this department, said that "although the Government of the United States desired to lend its impartial and friendly aid in those negotiations which might be able to conduce to a peace satisfactory to both belligerents, it could not offer its good offices in the conditions proposed."

"I have instructions," added that diplomat, "to ask if the Government of Chili is disposed to make any modifications to these conditions, and in such case what they will be."

As was indispensable, the Government, which had just stated in a solemn document what were the unavoidable conditions to the adjustment of peace, could not and should not accept even in hypothesis the possibility of modifying them in the sense of lessening her demands.

Giving this situation, there was directed to the American diplomat the official note of the 24th of February last, in which answer was given to his interrogatories that the Government of Chili would maintain the conditions of peace contained in the protocol of Viña-del-Mar.

The negotiations thus closed, it was not to be expected, I repeat, that the Government of the United States would insist in its generous purposes to interpose itself between the contending countries and attempt a peace for which upon two occasions, during the course of the war, it had made ineffectual attempts to realize this end.

However, the Government soon learned that it had made a mistake in this respect. Repeated communications from our minister in Washington informed him that the new Cabinet which directed the policy of that country, in conformity with the noble traditions of the past and the elevated sentiments of the American people, proposed

to reiterate the interposition of its good offices, provided always, that being spontaneously accepted by the contesting countries, they might conduce to a termination of the war.

And it would not be, however, upon this occasion, through the clamor of a special and extraordinary mission, that the new American Cabinet promised to use its disinterested efforts in the gift of peace. It confided this duty to the usual representative which the United States have constantly maintained among us, cultivating and strengthening the bonds of friendship which have always united the two peoples. And still further, as a show of delicate deference towards Chili, the new American Cabinet elected for the discharge of this duty a distinguished diplomat, which, by his long-standing familiarity with our country, and by the many attachments which he has among us, was of itself alone a proof, in advance, of the sincere intentions which would govern the new movements which he was charged to initiate.

This has in reality occurred. Scarcely recognized in his official character, the Hon. Cornelius A. Logan, present minister plenipotentiary and envoy extraordinary of the United States to Chili, addressed to this department the official note of the 9th of September ultimo, which is attached to the documents annexed to this memorial.

No effort upon my part whatever is necessary to enable the Congress to penetrate the perfect cordiality of sentiment, and the handsome observance of forms, which this note reveals and shows for itself.

The situation, embarrassed as it was by the last offer of the United States, after the exchange of declarations contained in the notes of the 14th and 24th of February last, was skillfully and decorously saved in the document referred to. Without maintaining, upon the part of the United States, the declaration formulated in its name by the Hon. Mr. Trescot that it could not accept the terms of the protocol of Viña-del-Mar as a basis upon which to tender its good offices, neither did it insist that Chili should commence by retiring from its position, through the lessening of demands, which would alter the nature of that basis.

Far from making demands of this kind, which would have placed us in one of those difficulties of form that in diplomacy possesses the sad characteristic of being insoluble, the note of the 9th of September has reopened the negotiations by offering to present to Chili *new ideas and new positions*, which would be able to bring to a definite and satisfactory termination the pending difficulties with our enemies of the Pacific.

The Government felt that it could not do less than receive with sincere thanks the new and signal testimonial of American fraternity which the Government of Washington thus showed in insisting for the third time upon lending its aid and its friendly and disinterested co-operation in terminating the already prolonged and disastrous difficulty which the pertinacity of our enemies maintains unsolved up to to-day.

The official note which, under the same date, 19th of September, was addressed in answer to the Hon. Mr. Logan, will also be found among the annexes to this memorial.

From the date of the exchange of communications to which I refer, the undersigned has been in constant and almost daily communication with the honorable American diplomatist, seeking between us with the most perfect harmony of feeling the manner of solving the conflict in a form reciprocally decorous for the people compromised in the quarrel, consulting and considering at the same time the unavoidable necessities and exigencies of the situation created by the war.

In some moments the prospect of a possible agreement for fixing the basis of peace has flattered the mediator, and with much reason. But the conditions, somewhat anomalous, under which he has had to follow the negotiation, the lack of a Peruvian Government, which, personally, with moral authority, and well qualified to represent the sentiments and the true aspirations of his country, and the impossibility which the Government has encountered from the same cause of discussing directly propositions of peace with some person whom it might have been able easily to recognize for the moment as the legitimate head of Peru, have rendered without fruit the zealous and persistent efforts which the mediator has used up to this time in order to accomplish that purpose.

Notwithstanding this, this method of indirect negotiation cannot be considered absolutely and definitely abandoned. The Government cherishes the conviction that when the true public sentiment of our enemies has shaken off the stupor which, up to this time, has enveloped them in fallacious dreams, and their legitimate and imperative necessities for the adjustment of peace shall make themselves felt, the sentiment shall find expression through some one of the various leaders who, with titles more or less alike, pretend to be the genuine representatives of Peru. The sincere desire for peace, of which Chili has been giving repeated and constant testimony since the conference of Arica, corresponds to-day to a necessity of our enemies which cannot be postponed; and it is to be hoped that before it will disappear in a short time the resistance that the public men or the political leaders of Peru and Bolivia have opposed to it. Whether this resistance be through a mistaken notion of the demands of patriotism or a spirit banding together in resistance, and to imaginary wrongs which up to this time has unfortunately trampled under foot the true and supreme interests of those countries.

No. 38.

Mr. Logan to Mr. Frelinghuysen.

No. 24.] LEGATION OF THE UNITED STATES,
Santiago, November 15, 1882. (Received December 27.)

SIR: My dispatch No. 23 incloses a newspaper reprint of the report of the minister of foreign relations, presented to the Chilian Congress on the 8th instant, with a translation of a portion thereof.

I now mail you with this dispatch the volume itself,* and trust that it may reach you safely. The report proper is brief, and already in your possession; but the annexes thereto are lengthy and important. It is quite impossible for me to find time to translate these documents for you, but I commend them to your attention. The circular of May 12 last, relative to the proposed American Congress, you may already be familiar with.

The paper of March 23 last, upon the subject of claims of neutrals, will be of interest to the Department; as also the projected truce with Bolivia, which the Chilians charge our minister, Adams, with having broken.

The convention between France and Chili, heretofore mentioned by me, agreeing to submit the claims of French citizens to a mixed commission, is given in full, and is commended to your notice.

A very important document is the report of ex-Minister Martinez, dated April 8 last, upon the relations of Chili with the United States; and the report of Señor A. Blest Garra, Chilian minister in France, will place you in possession of some interesting facts concerning the relations of Chili with that power.

I have, &c.,

C. A. LOGAN.

No. 39.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 35.] LEGATION OF THE UNITED STATES,
Santiago, December 13, 1882. (Received January 16, 1883.)

SIR: Upon the failure to undertake the voyage to Arequipa with Señor Calderon, as recorded in my dispatch No. 26, I determined to address an unofficial communication upon the existing situation to Vice-President Montero. A copy of this document is inclosed under cover of this dispatch.

* * * * * * *

I have, &c.,

C. A. LOGAN.

---

*The report is too voluminous to be reprinted here.

[Inclosure in No. 85.]

Mr. Logan to Vice-President Montero.

[Unofficial.]

LEGATION OF THE UNITED STATES,
Santiago, November 13, 1882.

SIR: I ask the privilege to waive the usual diplomatic formality, and address your excellency directly upon the subject which must now be uppermost in the minds of all Peruvians, viz, that of peace.

Your excellency is doubtless aware that since my arrival in Chili I have been endeavoring to bring about a recognition of your Government and the arrangement of terms of peace between Peru and Chili. Difficulties which seem almost insurmountable have up to this time prevented the realization of my desires.

The present situation may be briefly stated thus: Chili, as the result of my mediation, has abandoned the demands of the Trescot protocol, and has consented to make peace upon the following terms: First, absolute cession of Tarapaca as war indemnity, Chili to pay all of the debts of the province legitimately following it under the provisions of international law, although she refuses to make any particular stipulation to that effect, as, being already committed to it by various public declarations, she does not deem it necessary. Second, the acquisition of Tacna and Arica by purchase for the sum of $10,000,000, to be paid in three equal annual installments.

Chili has been willing to treat with his excellency Señor Calderon upon these terms, and to recognize his Government as the legal Government of Peru. Señor Calderon, however, has constantly refused the stipulation relating to Tacna and Arica, as he has had no evidence that the people would indorse it. I have proposed various compromises to reconcile the difference between the parties, and at one time I thought that success was about to attend my efforts. For reasons not necessary to go over at this time, however, all these have failed, until at this moment it seems that the parties are farther apart than ever.

I need not state to your excellency the deep distress of the Peruvian people, as you are as familiar with their sad state as myself. My object in writing you is to make one last effort to bring about a peace through the recognition of the Government which your excellency represents.

Chili now claims that your excellency's proclamation of October 14 last, calling an election for members to a new congress, virtually declares that Señor Calderon has no authority to treat for peace, but that that faculty is reserved to the congress alone. I cannot concur in the opinion that the proclamation is meant to say this, nor can I believe that the executive has not a right to make a treaty under the constitution, provided that it be submitted to the congress afterwards for consideration. Article 2 of Chapter I of the constitution contains a general provision relating to the alienation of territory, but in the same instrument, and in a subsequent part, this article is modified in a very important way. Article 11 of Chapter XI gives the executive the right to make treaties and direct diplomatic negotiations, and this right carries with it, logically and legally, the right to make those treaties effective, by any necessary means. Thus, if a peace treaty is to be made, undoubtedly the right is implied to sequestrate the national territory, if it be necessary in order to make the treaty. In Article 16 of Chapter VIII the Congress is given the faculty of approving or disapproving treaties of peace, &c., made by the executive. There can be no doubt whatever of the legal right of the executive to make a treaty of peace and to sequestrate territory if it be necessary in order to accomplish the making of the treaty. The right of ratification or rejection is distinctly reserved to the Congress.

Under the construction of your proclamation heretofore mentioned, however, Chili declares the inexpediency of treating with Señor Calderon, even if the terms themselves were agreed upon. The situation to me appears critical in the extreme. Internal disorders, through the action of Iglesias and the expected arrival of Pierola, are imminent in Peru, and threaten to annihilate all that has been or will be left by the conquering army. It is claimed that a Government erected under either of those leaders would be pledged to make a peace far more detrimental to Peru than that promised through my own negotiation.

As you are also aware, the Bolivian Congress has passed a resolution determining to make a truce, which will soon be followed, probably, by a peace. It is within my knowledge that Chili, for reasons connected with her own policy, is willing to make a truce with Bolivia, though she will deny it to Peru. Under the general laws of nations, allies are bound to protect each other in the making of peace, to a certain extent; but if Bolivia, in view of the absolute hopelessness of continuing the struggle, can be made to believe that Peru is resisting the inevitable and is thereby likely to bring utter [illegible]uction upon both nations, she will find a strong justification in breaking the

alliance. In the event of the alliance being broken by the withdrawal of Bolivia, Peru will doubtless be compelled to submit to very severe terms of settlement.

I do not assume to speak from official knowledge in what I am now about to say, but simply to give you my opinion of the consequences of a failure of Peru to accept the Chilian terms of peace within a very short time. I have obtained from the Chilian Government, as before said, a *bona fide* offer to pay Peru $10,000,000 cash for Tacna and Arica. This offer was obtained for Señor Calderon's immediate acceptance. But it is not a standing offer of peace. Upon the contrary, I have every reason to believe that if no settlement is reached until the Peruvian Congress assembles in March next, that Peru will be compelled to cede Tarapaca and Tacna and Arica, without the payment of any money indemnity at all. If Señor Calderon could at once be legally empowered by your excellency to accept these terms of peace, I believe the Chilian Government would feel itself under moral obligation to me to pay this amount to Peru. If, however, the war is prolonged for four or five months longer, Chili will undoubtedly claim a just right to increase her demands.

As further resistance on the part of the allies would seem to be entirely useless, from a total lack of all resources to continue the war successfully, and as it seems certain that no belligerent interference by outside nations is to take place, it appears to me, your excellency, that every motive prompts to the immediate acceptance of terms which I sincerely believe to be more favorable to Peru than those which will be offered later, when it is demonstrated that the allies must of necessity accept any conditions offered to them.

Your excellency will excuse me for the frankness with which I speak. I am laboring for the interests of your excellency's people; and if it were only the question of saving $10,000,000 to the Peruvian treasury, it would be a powerful motive for action in this terrible crisis. But when we consider the personal suffering of the people and the utter ruin staring them in the face, it seems to me there ought not to be a moment's hesitation about closing the struggle at once.

My Government has constantly maintained that it would be better for the ultimate interests of both Chili and the allies to settle the question at issue upon the basis of a money indemnity, without the cession of territory. The Government of Chili does not concur in that opinion, and such being the fact it is useless to discuss the matter. The practical question at issue is, have the allies the power to resist the demand for territory? As there can no longer be a doubt that they have not, then the wiser plan is to accept the inevitable and to obtain as many advantages as possible. By an immediate acceptance of the Chilian terms the sufferings of the Peruvians from an army of occupation will cease at once, and the sum of $10,000,000 will be placed in the Peruvian treasury, which, it is my fear, will not be received if the settlement is postponed until the meeting of Congress.

The United States stipulated to pay Mexico for the great and rich territory in which are embraced California, Texas, and New Mexico the sum of $15,000,000. The district of Tacna and Arica has but little intrinsic value—no guano, no nitrates, and but small agricultural possibilities. It is not even important to Peru as a military point in the protection of her territory. Yet Chili offers to pay for it two-thirds the sum paid by the United States for territory incomparably greater in extent and richer in resources than Tacna and Arica.

I could have made peace nearly two months ago if Señor Calderon would have accepted these terms. How much personal suffering has been endured, how much more Peruvian wealth has been lost in these two months your excellency can judge as well as I.

To Señor Calderon's unwillingness to comply with the sale of Tacna and Arica there is now added the other difficulty herein alluded to, viz, the feeling of the Chilian Government that, in view of your excellency's proclamation, there is nothing to be gained by treating with him. But one way out of the difficulty presents itself, which is, for your excellency to immediately send a formal power to Señor Calderon to accept the Chilian terms. I beg leave to earnestly recommend this measure to your excellency. As the representative of a Government which throughout this whole struggle has most anxiously desired to lend its aid toward a satisfactory settlement of the difficulties dividing them, and as one who has studied the whole situation from an impartial standpoint, I do not hesitate to place on record my recommendation to this effect.

Both in my official and personal character, I assure your excellency of my entire willingness to render any assistance within my power, in the best settlement of the controversy between the Republics of the Pacific.

I embrace, &c.,

C. A. LOGAN.

No. 40.

Mr. Logan to Mr. Frelinghuysen.

No. 38.] LEGATION OF THE UNITED STATES,
Santiago, December 20, 1882. (Received January 25, 1883.)

SIR: Under cover of this dispatch I inclose the translation of an important decree emitted by the Montero Government, wherefrom it will appear that notice is given of a disavowal of the right of Chili to sell the guano and nitrates priorly pledged to the creditors of Peru; the intention avowed to contest the sale; and the determination to cut off those creditors of Peru who have entered into arrangement with the Chilian Government announced.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 38.—Translation.]

DECREE.

Proclamation of Lisardo Montero, vice-admiral of the national fleet, Vice-President of the Republic of Peru, vested with the executive power.

Whereas, on obtaining in Europe the loans which constitute the foreign debt of Peru security was given to the holders of the bonds upon all the guano deposits of the Republic;

And whereas, equal guarantee was given to the holders of niter certificates, and to the saltpeter company, on account of the obligations which the Government incurred in their favor;

And whereas, recently, in virtue of contracts legally entered into, the Government has arranged the service of the bonds of the foreign debt and of the niter certificates;

And whereas, there exist unfulfilled contracts and pending settlements with various companies, whose result may affect the guano and saltpeter deposits;

And whereas, according to the principles of international right, the military occupation of the department of Tarapaca and other guano deposits does not authorize Chili to dispose of these riches, and still less to invalidate previous contracts and rights legally acquired by neutral parties, which also the Government of Chili has itself clearly recognized by declaring, in its decrees upon the alienation of the guano and niter, that it assumed no responsibility over the sales realized;

And whereas, a part of the bondholders have come to an arrangement with the Chilian Government upon the basis of a reduction to 50 per cent. of the distribution of the guano effected in their behalf, which act is of prejudice to the creditors of Peru not taking part in such conventions, and attests not only the renunciation, in favor of Chili, of the rights which Peru had recognized in the contracts now in force, but also a secret understanding with the deforciants of Peruvian property and of the rights legally acquired by neutral parties;

And whereas, the Peruvian Government, being disposed to indemnify the Government of Chili for the expenses of the war as shall be just and satisfactory, and being prepared to secure such indemnity, as it has repeatedly declared in solemn documents, cannot remain indifferent to the acts of arbitrary injustice committed by the Government of Chili, and still less authorize by its silence the violation of contracts made in good faith and in the exercise of its just right with the foreign creditors of the Republic:

By the unanimous vote of the council of ministers it is decreed that—

1st. The Government of Peru declares invalid and void as well the contracts which the Chilian Government has made and is making concerning the sale of guano and niter deposits, as the arrangements which have already been made between this last government and the Peruvian creditors.

2d. The creditors of Peru who have agreed or shall enter into agreement with Chili for the payment in whole or in part of their claims shall by such act lose all rights which Peru may have granted them.

3d. The guano exported in virtue of such contracts shall be judicially followed, and

the result applied solely to such creditors as have entered into no agreement with the Chilian Government.

4th. The creditors of Peru who have not thus agreed with the Chilian Government will remain especially empowered to resort to any methods to carry out the spirit of the previous article (3d).

5th. The necessary steps for the publication and fulfillment of this decree are intrusted to the bureaus of correspondence of the diplomatic and financial agents of the Government of Peru.

Given in the residence of the Government in Arequipa November 25, 1882.

L. MONTERO.
CAMILLO N. CARRILLO,
President of the Council and Minister of State.
MARIANO N. VALCARCEL,
Minister of Foreign Relations.
JOSÉ MIGUEL VELEZ,
Minister of Justice, Religion, Instruction, and Beneficence.
MANUEL VELARDE,
Minister of War.
JUAN FRANCISCO OVIEDO,
Minister of Finance and Commerce.

No. 41.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 54.] LEGATION OF THE UNITED STATES,
Santiago, January 20, 1883. (Received February 27.)

SIR: Under cover of my dispatch No. 35 I inclosed the copy of a personal note addressed by me to Vice-President Montero. The object of the note, as heretofore stated, was twofold: firstly, to place within his knowledge the facts of the situation, as viewed from my standpoint; and, secondly, to obtain an authoritative statement of his adhesion to Calderon, with which to refute the position of the Chilian Government that Calderon had been disavowed by his own following.

Under cover of this dispatch, I inclose a translation of the reply of that gentleman, which I have no doubt will interest you as it has me.

Señor Montero states most emphatically that he is only charged with the executive power during the absence of the provisional President, Señor Calderon; that the terms of peace which the latter may agree upon will be accepted by the former; that the Peruvians are unified under the provisional Government, and you will not fail to notice a most important admission of the letter, viz, that Señor Calderon has the right to make a preliminary treaty for after-submission to the Congress. * * * The letter is personally gratifying to your representative as conveying a grateful recognition of his services.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 54.—Translation.]

General Montero to Mr. Logan.

PRESIDENT'S OFFICE, REPUBLIC OF PERU,
Arequipa, December 21, 1882.

SIR: By the mail which arrived to-day from Bolivia, I have had the honor to receive your interesting communication dated in Santiago, the 13th of November last, in

which you are pleased to put in my knowledge the terms upon which the Government of Chili is disposed to make peace with Peru, as a result of your mediation, which has induced the abandonment of the exigent terms of the Trescot protocol.

The bases which you communicate to me are these: "First, absolute cession of Tarapaca, as an indemnity of war, Chili paying all the debts of the province legitimately following it, in conformity with the provisions of international law, although she refuses to make any particular stipulation in this respect in the treaty, as having already committed herself to it by various public declarations, she does not deem it necessary; second, the acquisition of Tacna and Arica by purchase, for the sum of $10,000,000 to be paid in three equal annual installments."

You have full knowledge that his excellency Señor Francisco Garcia Calderon is the provisional President of Peru, and that the undersigned only assumed the supreme command in his quality of Vice-President of the Republic, in consequence of the imprisonment and banishment of the President. Therefore the most natural and expeditious course in my view, would be the discussion of the bases of peace with Señor Calderon, a prisoner in Santiago, and if he finds them acceptable, he can be restored to his country, when he will resume immediately the exercise of the supreme power. The Republic is unified under the authority of the provisional government, and this latter will not encounter difficulties in the internal policy. The Congress convened for the 15th of March next, far from signifying the cessation of the authority of Señor Calderon, will facilitate the resolution of the pending questions, because the treaty which he celebrates can be submitted to it.

The foregoing considerations absolve me from emitting an opinion upon the bases and observations which you express in your important letter.

I take pleasure in expressing to you my acknowledgment of your persevering efforts in favor of peace, and for the good will which in your personal and official character you are pleased to manifest to me for the best arrangement of the Pacific controversy.

I am, &c.,

L. MONTERO.

No. 42.

Mr. Frelinghuysen to Mr. Logan.

[Telegram.]

WASHINGTON, *January* 5, 1883.

Mr. Frelinghuysen telegraphs Mr. Logan that his effort to consummate matters is commended, yet for this Government to instruct him to inform Peru to give up Tarapaca, Tacna, and Arica for $10,000,000 would be pretending to settle a dispute between two Governments without being asked to do so, and would be saying to Chili it had a right to the territory. The lamentable state of Peru might induce her to agree to these conditions, but it is for her to decide and not our Government.

The instructions which Mr. Logan and Mr. Partridge received were to act together and endeavor to accomplish an end which would be agreeable to both countries; but, if unsuccessful, it was hoped arbitration might be agreed upon.

Mr. Logan was further instructed to continue the endeavors to accomplish one of the results mentioned. In case of failure, the United States would not have neglected its duty.

Transmit copy of this to Partridge by mail.

No. 43.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 62.] LEGATION OF THE UNITED STATES,
Santiago, February 10, 1883. (Received March 16.)

SIR: You are doubtless aware that a long-deferred treaty of peace between Spain and Chili has recently been signed. The full completion of restored relations between the countries named has just taken place at Valparaiso. The Spanish Government sent a man-of-war, named the Navas de Tolosa to Chili, which vessel arrived here on the 3d instant. A formal salute to the Chilian flag by this ship on the following day was returned by the Chilian authorities. Since then the officers of the Navas have been entertained at an official banquet given by the *intendente* of Valparaiso. Speeches of the most friendly character have been made upon this and other occasions, and there is much enthusiasm displayed over the events.

As reported to you in some of my Central American dispatches, Spain has changed her policy towards her former colonies, and the purpose to draw them into the bonds of commercial friendship is now plainly manifested. * * * Let us hope that the present peace will be enduring.

I have, &c.,

C. A. LOGAN.

No. 44.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 63.] LEGATION OF THE UNITED STATES,
Santiago, February 12, 1883. (Received March 16.)

SIR: It would appear from the latest advices that Señor Calderon's obstinacy in refusing to come to terms with Chili is bringing about a reaction among his countrymen against both him and his Government. The movement of Iglesias, which in December last was considered to have fallen still-born, has been suddenly resuscitated, and this leader has actually gotten together at Cajamarca an assembly which has elected him supreme chief of the Republic of North Peru, with the title of "Regenerator." The body organized regularly, and after the election of a chief, proceeded to legislate upon various matters, all tending to bring about a peace with Chili. So much real vigor does the movement appear to possess, that Señor Novara, the Chilian representative in Lima, charged with the peace negotiations, is said to be extending to the Iglesias government his active support.

For a few months past there has existed in Lima an organization known as the "Peace Club," whose prime object is expressed by its name. It is said to be composed of a large and respectable following. Upon learning of the action of Calderon and Montero in failing to bring about an accessible and speedy peace, the directory of the club issued a remarkable manifest or address to the people upon the subject of peace. I have not time to translate this document in full, but inclose a copy of it under cover of this dispatch. The concluding section of the

address headed "V" may have an additional interest for you, as relating largely to your representative in Chili. I may therefore be excused for giving you a hasty translation of the article referred to, in the body of this dispatch, as follows:

V.

As truth can no more be bettered by falsehood than was Salmoneus able to imitate the rays of heaven, the hour of truth has at last arrived. For this reason we have decided to reproduce the letter of the American minister, Logan, to Rear-Admiral Montero.

This reproduction is for the people, because the journal in which it appeared has been exhausted, with the notable circumstance that to-day not a single copy is to be found.

In order that the Peruvian public may read, meditate, and resolve quickly, we insert it.

[Then follows the note of Mr. Logan to Montero.]

Whoever studies this document cannot do less than clearly see where lies truth, where lies error; where is safety, and where ruin.

Those who entertained placid illusions of all which was to come of the American legation, to-day that the same legation presents the naked truth, find it necessary to attack it with vigor and pertinacity.

Upon this account the advocates of the conclusion of the war do not need more persuasion than the authorized word of the American minister.

And all those who preserve love of country, of home, of dignity, and of liberty, will enthusiastically hasten to augment the ranks of the advocates of peace.

Because in this alone is to be found the tranquillity, the pacification, and the resurrection of Peru.

Without peace there exist only ruin and prolongation of slavery for a people who by so many titles are called to a higher destiny.

THE DIRECTORY OF THE PEACE CLUB.

LIMA, *January* 19, 1883.

Following this address, Colonel Duarte, chairman of the directory of the club, had several interviews with Colonel Ventos, second in command of Cáceres' army, which resulted in the pledge by Ventos to go over with all of his division to Iglesias when the opportune moment arrived.

* * * * * * *

I have, &c.,

C. A. LOGAN.

No. 45.

Mr. Frelinghuysen to Mr. Logan.

No. 41.] DEPARTMENT OF STATE,
Washington, March 23, 1883.

SIR: In the annual message of the President, submitted to Congress at the opening of the last session, the following passages occur:

The war between Peru and Bolivia on the one side and Chili on the other began more than three years ago. On the occupation by Chili in 1880 of all the littoral territory of Bolivia, negotiations for peace were conducted under the direction of the United States. The allies refused to concede any territory, but Chili has since become master of the whole coast of both countries, and of the capital of Peru. A year since, as you have already been advised by correspondence transmitted to you in January last, this Government sent a special mission to the belligerent powers to express the hope that Chili would be disposed to accept a money indemnity for the expenses of the war, and to relinquish her demand for a portion of the territory of her antagonist.

This recommendation, which Chili declined to follow, this Government did not assume to enforce, nor can it be enforced without resort to measures which would

be in keeping neither with the temper of our people nor the spirit of our institutions.

The power of Peru no longer extends over its whole territory, and in the event of our interference to dictate peace would need to be supplemented by the armies and navies of the United States. Such interference would almost inevitably lead to the establishment of a protectorate, a result utterly at odds with our past policy, injurious to our present interests, and full of embarrassments for the future.

For effecting the termination of hostilities upon terms at once just to the victorious nation and generous to its adversaries, this Government has spared no efforts, save such as might involve the complications which I have indicated.

It is greatly to be deplored that Chili seems resolved to exact such rigorous conditions of peace, and indisposed to submit to arbitration the terms of an amicable settlement. No peace is likely to be lasting that is not sufficiently equitable and just to command the approval of other nations.

As the policy thus outlined should govern your conduct and that of your colleagues at Lima and La Paz, and as you and they should move harmoniously in representing the views of your Government, considering recent occurrences here and in Chili and Peru, the time seems opportune to instruct you more fully than the necessarily brief statement in the message can do.

To this end a review of the action of this Government is proper.

The war between Peru and Bolivia on the one side and Chili on the other began nearly four years ago. In 1880 the substantial successes of Chili, and its conquest and occupation of all the littoral territory of Bolivia, furnished an opportunity for a pause in operations, and for negotiations for a peace. These negotiations were conducted upon the Lackawanna, in the presence of the representatives of the United States. At that time peace could have been secured upon much more favorable terms for the defeated party than now seems possible. The allies, however, refused to concede any territory to Chili, and the war was continued until the latter became master of the coast and capital of Peru.

President Pierola fled from Peru, and his Government succumbed to a revolution which made Calderon President and Montero Vice-President. This government was recognized by the United States. The Chilian military authorities soon after took possession of Mr. Calderon by violence and carried him to Chili, where he is now detained, and the United States still continue to recognize his government in the person of Mr. Montero. In this state of affairs the President in 1881 sent a special mission to the three countries in the hope that a way might be found for terminating the war, through the good offices of the United States.

It was hoped that Peru and Bolivia might through our unselfish counsels be brought to see that Chili might be found willing to accept those fruits in the form of a money indemnity, without demanding a sacrifice of territory. All these hopes proved to be groundless and the mission returned, having effected nothing beyond giving to all the parties new proof of the good will of the United States and of their sincere desire to bring about an equitable and lasting peace.

Notwithstanding this lack of success, the United States did not relax their efforts to attain the satisfactory result for which they still hoped. After the death of General Kilpatrick, you were selected to succeed him, and Mr. Partridge was sent to Lima when the death of General Hurlbut left that post vacant.

My instruction to you, No. 12, of the 26th of June, 1882, reviewed the situation, and you were informed that the belligerents wished to have peace secured through the good offices of the United States. I set forth that an indemnity for the expenses of the war might involve a payment

of money and even a cession of territory, and you were directed particularly to guard against substantial injustice.

You were instructed to tender anew to Chili the friendly counsels of the United States, to make known the views of this Government and its earnest desire that the war should be terminated, to continue the efforts to induce Chili to moderation in her demands and to impress upon the Government of that country that any substantial concession on its part would be regarded as a recognition of the disinterested counsels of the United States.

I advised you to endeavor to secure for Peru in any treaty of peace as large a part of the provinces then occupied by Chili as possible, and as large a money compensation as possible for whatever territory might be retained by Chili, and you were authorized, should Chili be inclined to avail herself of your services, with the co-operation of your colleagues, to use your good offices with Peru and Bolivia in arranging terms.

Pursuant to these instructions, which were also forwarded to Mr. Partridge, while your colleague at La Paz was instructed to co-operate with you, you proceeded to Santiago, calling on the way upon Mr. Partridge at Lima, and since your arrival in Chili you have endeavored to bring about a settlement. Your dispatches have acquainted this Government with the cordial reception extended to you by the Chilian Government, with the friendly desire expressed by it that through your instrumentality peace might be attained, and with the negotiations which have taken place.

You have represented that while Chili claims Tarapaca, Tacna, and Arica, the modified terms, upon which you are satisfied that Chili is willing to treat, embrace a waiver of money indemnity of twenty millions heretofore claimed from Peru, the renunciation of the claim to one-half the income from the Peruvian guano deposits, and the payment by Chili to Peru of the sum of $10,000,000, Chili guaranteeing to Peru and Bolivia the rights of transit to the Pacific over the territory to be taken by Chili, and exemption from Chilian taxes on imports and exports.

The terms thus proposed could not be regarded otherwise than as a friendly recognition of the counsels of the United States and as an endeavor on the part of the Government of Chili to so modify its demands that they might be accepted. The negotiations, however, were soon broken off. The question as to the authority of those assuming to represent the Government of Peru to treat with Chili seems to be the great obstacle to successful negotiation. This difficulty, coupled with the demand of Peru for a truce, and with a demand for a treaty engagement securing the rights of Peruvian creditors, interrupted and broke off the negotiations.

In my telegram of February 21, 1882, to Mr. Trescot, and in my instruction to him, No. 9, of February 24, 1882, I intimated that if Chili insisted upon the cession of Tarapaca, it was not impossible that the creditors of Peru would maintain that its revenue was hypothecated to them. This intimation was undoubtedly conveyed to the authorities of Chili. It now derives additional force from the increased demands of Chili for territorial guarantee.

As you have seen from the extract from the President's message, this Government adheres to the position which it has consistently maintained, and which was stated in my instruction to Mr. Trescot, of the 9th of January, 1882, as follows:

> The President wishes in no manner to dictate or make any authoritative utterance to either Peru or Chili as to the merits of the controversy existing between those

Republics as to what indemnity should be asked or given, as to a change of boundaries, or as to the personnel of the Government of Peru.

The President recognizes Peru and Chili to be independent Republics, to which he has no right or inclination to dictate.

Were the United States to assume an attitude of dictation towards the South American Republics, even for the purpose of preventing war, the greatest of evils, or to preserve the autonomy of nations, it must be prepared by army and navy to enforce its mandates, and to this end tax our people for the exclusive benefit of foreign nations.

The President's policy with the South American Republics and other foreign nations is that expressed in the immortal address of Washington, with which you are entirely familiar.

What the President does seek to do is to extend the kindly offices of the United States impartially to both Peru and Chili, whose hostile attitude to each other he seriously laments; and he considers himself fortunate in having one so competent as yourself to bring the powers of reason and persuasion to bear in seeking the termination of the unhappy controversy.

It cannot be doubted that all the parties desire the speedy termination of a strife unduly prolonged, and which inflicts scarcely less injury upon the victor than upon the vanquished.

Chili, with a population of about 2,000,000, is sustaining an army which rapidly takes from her territory and from the useful and necessary occupations of life a very large proportion of able-bodied men. Such a drain cannot but inflict a most serious injury upon that country. A continuance of the present status, with the freedom that is exercised by Chilian troops in the capital and territory of Peru, cannot fail to so affect them as to make their return to civil life a source of great danger to the Republic.

Further, while it is remembered that Chili has largely sustained the expense caused by her army of occupation from exactions upon the citizens of Lima, it should be observed that the state of affairs existing in that capital is such that those exactions cannot long continue to yield any important revenue, and that Chili, a conqueror in enemy's territory, may not improbably at no distant day find that by her own policy she has become obliged to tax her own people to sustain the army holding Peru.

As to Peru, the case is still more unpropitious. With her capital and a large part of her territory in the hands of an exacting enemy; with a foreign military government at Lima, which practically prohibits trade, while at the same time imposing heavy taxes; with a native government which has not (so far as this Department understands) actual control over all the territory unoccupied by the enemy; with several native armies at different points in the interior, draining the country, interrupting the peaceable pursuits of the people, and engaged in occasional hostilities with the Chilians, the condition of the nation is most unhappy, and would naturally lead it to a peace upon any terms consistent with national honor.

While Bolivia has been spared the direct effects of the war in a large degree, it nevertheless supports an army, and is constantly subject to the excitement and alarms of a belligerent. Ready, as it is understood to be, to assist its ally, it is practically in a state of war in all that concerns its internal affairs, while, more fortunate than Peru, it has suffered from Chili no other direct loss than its outlet to the Pacific.

On the 5th January, ultimo, the following telegram was sent to you: [See telegram, Mr. Frelinghuysen to Mr. Logan, January 5, 1883, *ante.*]

The continuance of the war between Chili and the allies can produce no good result. The cause of humanity and justice also requires that an end should come to the strife.

All other attempts towards this desirable end having proved fruit-

less, the United States believe it their duty to revive the suggestion of arbitration. With this end in view, I have had frequent conference with the representatives of Chili and Peru at this capital. Although, of course, neither on my part was I prepared to transfer the negotiation and settlement of the basis of arbitration to Washington, nor were they on theirs competently authorized to bind their respective Governments to any determinate solution of the problem, our interchange of views has, I am happy to believe, tended to bases of settlement.

These bases are simply an agreement on an exponent of the Government of Peru (probably Mr. Calderon's administration), the cession to Chili of the Peruvian territory of Tarapaca, and the submission to impartial arbitration of the question whether any additional territory shall be ceded, and, if so, how much and on what terms.

The President is firmly persuaded that Chili and Peru are fully competent to adjust their differences with the aid of the friendly counsel of the United States, and he is equally sanguine in the belief that the present situation of the two countries, which I have reviewed in the early part of this instruction, has brought the two nations nearer than ever before to a realizing sense, not only of the necessity of peace, but of the practical foundations on which a lasting and honorable peace may be reared. He is convinced that only by such an arbitration as herein suggested can this result be reached. He is hopefully strengthened in this conviction by the substantial concurrence of the representatives here of Chili and Peru in his views. The conclusions which those representatives have reached, and which I am assured they are prepared to commend to the favorable consideration of their respective Governments, are worthy of all attention.

These gentlemen are removed from the immediate scene of conflict, their outlook is naturally broader and freer, and it is not surprising that they should be drawn towards agreement in a sense comporting with the President's views.

It would much facilitate the formation of such an arbitration should Chili and Peru understand that the United States recognize the Calderon government and confide in Chili's doing the same. Unless this one point could be gained there would be long delay in negotiating as to what Peruvian government should be permitted to appoint the arbitrators. I repeat, it is not necessary that the whole subject be left to arbitration. Chili has evinced a disinclination to submit to such an arrangement, of which this Government recognizes the force.

It could be understood that Chili is to have an agreed portion of the territory in dispute, and that the question left to arbitration should be whether Chili should have any territory in addition to that agreed upon, and what amount of money, if any, Chili should pay therefor.

For the present you are not directed to read this instruction to the minister of foreign affairs, but you are authorized to communicate forthwith the views herein expressed to the Government of Chili in such form as may seem to you expedient, remembering that the President hopes for a speedy and just settlement of the controversy.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 46.

Mr. Logan to Mr. Frelinghuysen.

No. 74.] LEGATION OF THE UNITED STATES,
Santiago, March 26, 1883. (Received May 15.)

SIR: My dispatch No. 20, under date of November 8 ultimo, advises you that the Chilian Government had celebrated treaties with several of the European powers, agreeing to submit the claims of the subjects or citizens of the latter to mixed commissions. The printed text of the treaty between France and Chili was forwarded to you soon afterwards. This treaty is identical with the others already made with Great Britain, Germany, and Italy, and in order that you may have the whole subject under your eye, I inclose, under cover of this dispatch, a copy, in Spanish, of the Franco-Chilian treaty, and an English translation thereof.

As heretofore remarked by me, the judicial method seems the better one for settling claims. At the time my No. 20 was written, however, I had not had the opportunity of examining this treaty as critically as I have since done. If you deem it expedient to settle the claims of our citizens by a mixed commission, it would be necessary to alter in several respects the form of those already executed, perhaps. For instance, Article IV of the inclosed treaty would seem to give the clear right to the commission to pass upon the question of the nationality of the claimant, and in so doing to go behind the record and examine into the fact of nationality. This would be in direct conflict with the position you have assumed in another case.

Again, the treaty provides in Article III for the settlement of all claims by said commission arising from the outbreak of the war until a treaty of peace or truce shall be arranged, and in Article VIII it is stipulated that all claims must be presented within six months after the "first session" of the commission, and no provision is made for claims which may arise in the future.

Further, it may appear to you that a better method than that provided of selecting the third commissioner might be made; and still further, as our claims are comparatively small in amount, the question of the attendant expenses might be somewhat differently arranged.

I place the subject before you for such action as you deem proper to take at the appropriate time.

I have, &c.,

C. A. LOGAN.

[Inclosure in No. 74.—Translation.]

Convention concluded November 2, 1882, *between Chili and France, to submit to arbitration the settlement of the French claims, brought on account of the war.*

His Excellency the President of the Republic of Chili, and His Excellency the President of France, desiring to put a friendly end to the claims brought by French citizens, and supported by the legation of France in Chili, in reference to the acts and deeds done by the forces of the Republic, in the territories and coasts of Peru and Bolivia, during the present war, have agreed to celebrate a convention of arbitration, and with this view have nominated for their respective plenipotentiaries:

His Excellency the President of the Republic of Chili, Señor Luis Aldunate, minister of foreign affairs of the Republic; and His Excellency the President of the Republic of France, Señor Adolpho, Baron d'Avril, minister plenipotentiary of the first class, officer of the national order of the Legion of Honor, &c.;

Which plenipotentiaries, after having examined and exchanged their powers, and found them in good and due form, have agreed upon the following articles:

ARTICLE I.

A tribunal of arbitration or a mixed international commission shall pass judgment, in the form and according to the terms which this convention shall establish, upon all the claims resulting from the acts and deeds done within the territories and coasts of Peru and Bolivia during the present war, by the land and sea forces of the Republic, which have already been presented, or which may yet be presented, by French citizens, through the medium of the legation of France in Chili, within the terms to be presently indicated.

ARTICLE II.

The commission shall consist of three members: one appointed by the President of the Republic of Chili, another by the President of France, and the third by His Majesty the Emperor of Brazil, either directly or by the diplomatic agency of his representative accredited to Chili.

In case of the death, absence, or incapacity from any other cause, of one or more of the members of the commission, their place or places shall be filled under the form and conditions expressly provided for in the preceding paragraph.

ARTICLE III.

The mixed commission shall examine and decide the claims which French citizens have so far made, or which they may make through the proper diplomatic medium, in award of the acts and deeds done by the armies and fleets of the Republic from February 14, 1879, the date of the breaking out of hostilities, until the day when a treaty of peace or an agreement of truce shall be arranged between the belligerent nations, or when hostilities between the three nations shall cease.

ARTICLE IV.

The mixed commission shall receive and subject said claims to such suitable investigation and inquisition as in the judgment and right understanding of its members may conduce to the better enlightenment of the acts to be decided upon, and especially as to the identity of state and neutral character of the claimant. The commission will also admit verbal or written allegations of either Government or of their respective agents or defenders.

ARTICLE V.

Each Government shall appoint an agent to watch the interest of his clients and manage the defense, present petitions, documents, requests, confirm or attack positions, support his own charges or refute his opponent's, render and establish his proofs before the commission in person or by means of a lawyer, verbally or in writing, according to the rules of action and procedure which the commission shall appoint at the beginning of its functions, or to the legal usages, principles, and precedents which rightly inure to them.

ARTICLE VI.

The mixed commission shall decide upon the claims in regard to the merit of the proof adduced, and in accordance with the principles of international law, and the practices and rules of jurisprudence established by analogous modern tribunals of greater authority and prestige; the final result to be decided by a majority of votes.

The mixed commission will briefly summarize in each final decision the acts and causes of the claim, the reasons alleged in its support or confutation, and the foundation in international justice which supports such decision.

The resolution and decrees of the commission shall be written and signed by all the members and authenticated by the secretary, and the originals shall be left with their respective accompaniments in the bureau of foreign relations of Chili, such translations as may be desired being given to the parties desiring them.

The commission shall prepare a book in which they shall note their proceedings, the petitions of the claimants, and the decree and decisions reached.

The commission shall hold its sessions in Santiago.

ARTICLE VII.

The commission shall have the faculty of procuring such secretaries, translators, and other officials as it deems essential for the satisfactory execution of its functions. The commission may propose individuals to fill these offices respectively, and may designate the remuneration or salary that they shall receive. The appointment of the said officials shall be made by His Excellency, the President of the Republic of Chili.

Such decrees of the mixed commission as are to be fulfilled in Chili shall have the aid of public authority the same as the ordinary tribunals of the country. Those which are to be fulfilled abroad shall conform in rule and use to international law.

ARTICLE VIII.

The claims will be presented to the mixed commission within the six months following the date of the first session, and those presented later than this will not be permitted. To provide for the effect of the disposition contained in this article the mixed commission shall publish in the Diario Oficial of the Republic of Chili a notice of the date of their installation.

ARTICLE IX.

The commission shall have the space of two years, counting from the date of their installation, in which to discharge their mission in reference to all the claims submitted to their knowledge and decision. This term once passed, the commission will have the power to prorogue their functions for a new term not to exceed six months, if, because of the sickness or incapacity of any of its members, or for any other reason of sufficient gravity, they have not finally completed their commission within the time previously stated.

ARTICLE X.

Each of the contracting Governments shall assume the expense of the proper legal actions and the remuneration of their respective agents or defenders.

The expenses of the organization of the mixed commission, the remuneration of its members, the salaries of the secretaries, translators, and other employés, and the further costs and expenses of the common service shall be paid by both Governments equally; but if the amounts shall be decided in favor of the claimants there shall be deducted from them the said common costs and expenses, provided these do not exceed 6 per cent. of the amounts to be paid by the treasury of Chili for the whole of the claims accepted.

The sums which the mixed commission decides in favor of the claimants shall be paid by the Government of Chili to the Government of France through its legation in Santiago, or through some person whom the legation shall appoint, at the end of one year, counting from the date of its respective decision, without the payment for this term of any interest in favor of the said claimants.

ARTICLE XI.

The high contracting parties bind themselves to consider the judgments of the mixed commission which this convention organizes as a satisfactory, perfect, and irrevocable termination of the difficulties whose settlement they have had in view, and in the understanding that all the claims of French citizens presented or omitted according to the conditions stated in the preceding articles, shall be considered definitely decided and judged, and that for no motive or pretext can they again be made matter of new discussion or complaint.

ARTICLE XII.

The present convention will be ratified by the high contracting parties and the exchange of such ratifications shall take place in Santiago.

In testimony whereof, we, the plenipotentiaries of the Republic of Chili and of the Republic of France, have signed the present convention in duplicate, and in the Spanish and French languages, and have sealed it with our respective seals.

Done in Santiago de Chili, on the second day of the month of November, in the year of our Lord the one thousand eight hundred and eighty-second.

[L. S.] LUIS ALDUNATE.
[L. S.] A. D'AVRIL.

No. 47.

Mr. Frelinghuysen to Mr. Logan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 2, 1883.

Mr. Logan is informed that the action of Mr. Partridge, as reported by Mr. Logan, is unauthorized, and that he has been directed to make explanations; that instructions suggesting the recognition of the government of Calderon have been sent by mail.

Tarapaca to be ceded to Chili by Peru. United States will agree to arbitrate in the event that Chili is to receive any further indemnity.

No. 48.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 92.] LEGATION OF THE UNITED STATES,
Santiago, May 9, 1883. (Received June 15.)

SIR: Two very important events have transpired since my last dispatch, which strongly announce the approaching close of the war.

Firstly, the negotiations which have been going on between Señor Novoa, the Chilian representative in Lima, and Señor Lavalle, the minister of General Iglesias, have closed with satisfaction to both parties, and the agreement has been formally signed by Lavalle. Nothing now remains to complete the agreement save the signature thereto of Iglesias himself. For the purpose of obtaining this the document has been sent to Cajamarca. As Lavalle has acted throughout directly under the instruction of Iglesias, the signature of the latter is supposed to be a question simply involving the time necessary for the transmission and return of the protocol.

* * * Tarapaca, with all its guano and salitres, is ceded unconditionally and forever to Chili. Military occupation of Tacna and Arica to the latter is granted for the period of ten years, at the end of which time a vote of the inhabitants of the district is to be taken. The party to whom the district is voted is to pay ten million dollars to the other.

As to the debt, no responsibility attaches to Chili other than that she shall give 50 per cent. of the proceeds of the sale of guano to the Peruvian bondholders, as specified in the Chilian decree of February 9, 1882. * * * Iglesias attempted to make a stipulation that 50 per cent. of the proceeds from the sale of the nitrates of Tarapaca should also go to the bondholders. This stipulation was resisted by Chili, and Iglesias withdrew it.

* * * * * * *

These stipulations form the basis of the treaty with Iglesias.

You will perceive upon a review of them that Peru has lost greatly through the obstinacy of Calderon in refusing to accept the terms I obtained for him. The military occupation is for ten years instead of *five*, the latter being the term which I secured. In ten years Chili will have

so arranged matters that the plebiscite will merely mean the formal voting of the district to Chili; in five years Peru might have had a chance to recover it.

* * * * * * *

The second of these events is even more important than the first. * * * Bolivia formally and officially agrees to make a truce with Chili, separate and apart from Peru. Commissioners are at once to be appointed and sent to Tacna to negotiate this truce, which will probably be that of which a copy is embodied in my No. 35.

Whatever may be the terms obtained by Iglesias, it is fortunate for Peru that they have been secured before this last *coup d'état* of Chili, by which the alliance would be effectually broken and Peru left entirely in the hands of her conqueror.

As soon as this determination of the Bolivian Government becomes known, and the Peruvians realize that Campero has actually left them, there will be a revolution at once against Montero, who has only been able to suppress it thus long through promises of Bolivian fidelity to the alliance and the most thorough exercise of terrorism. Then the single hope of Peru will lie in the treaty which Iglesias has been negotiating. Should this be consummated in time, the cession of territory will stop with Tacna and Arica, but should the Peruvians break this agreement, Chili will doubtless consider herself absolved from all engagements with Iglesias, and will make such new demands as the fortunate situation in which the breaking of the alliance will place her may enable her to enforce.

* * * * * * *

I have, &c.,

C. A. LOGAN.

No. 49.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 93.] LEGATION OF THE UNITED STATES,
Santiago, May 9, 1883. (Received June 15.)

SIR: I am in receipt of your instruction, No. 41, under date of March 23 ultimo.

My dispatch No. 92, which goes by the present mail, will inform you of the total change which has occurred in the situation within a short time, and that peace with Bolivia through a separate treaty may be considered an accomplished fact, while a peace with Peru through the Iglesias government has been agreed upon and only requires certain formalities to give it binding validity. My dispatch also informs you of my fears that the treaty with Peru may not be accomplished in proper time, and that the breaking of the alliance may make it much worse for the Peruvians.

Under the facts already stated to you, that Calderon will not even agree to the terms of Chili outside of the question of Tacna and Arica; that the Chilian Government has absolutely refused to treat further with him upon any terms; that the approaching treaty with Bolivia makes Chili master of the situation, and that the adoption of the Iglesias government by the Peruvians is probably a fixed fact, you will perceive

the impracticability of my carrying out the instruction of your dispatch No. 41.

I have communicated with the Government of Chili since the reception of your instruction, however, and have formally made the proposition therein indicated, relating to the recognition of the Calderon government and the submission of certain questions to the arbitration of the United States. I was listened to most respectfully, but was informed that the Chilian minister in Washington had no power whatever to commit his Government, even by implication, to a settlement upon such a basis; that since the arbitration offered by myself and accepted by both Chili and Calderon had been broken by the latter, * * * the Chilian Government had found it wholly inconsistent with its right to attempt a settlement in that way; that the continued manifestation of good offices by the United States was most highly appreciated, and that in the just settlement of the question which is now at hand, Chili desired to have the friendship and proper assistance of our Government; but that the whole settlement had assumed a different direction, and that therefore neither the proposition for arbitration nor that for the recognition of the government of Calderon could be entertained. I was especially charged to convey to you the thanks of the Government for the interest manifested by you. After this I was placed in full possession of the present situation, as detailed to you in my No. 92.

The Government of Chili regrets that I am not in position to make the proposed peace with Peru a fixed fact by a recognition of the government of Iglesias, with which latter the treaty has been concluded.

Should it fall within my power to do anything for the Peruvians in their present situation or to accomplish anything in the line of your instruction No. 41, you may be assured that I shall be on the alert to embrace the opportunity.

I have, &c.,

C. A. LOGAN.

No. 50.

Mr. Logan to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, May 10, 1883.

Mr. Logan states that Chili has received official notification that a separate treaty is favored by Bolivia. Both countries appoint commissioners immediately, who will meet at Tacna. The convention between Iglesias's government and Chili is concluded, and is likely to be signed soon, upon the same basis as the one proposed to Calderon by Mr. Logan for a plebiscite. Mr. Logan refers to his note of October 18 last to Mr. Aldunate and his dispatch No. 85. Chili will occupy Tacna and Arica for ten years, after which the inhabitants will decide by vote to which country they will unite themselves, the country to which they submit their allegiance paying to the other country ten millions. The foreign debt is to be arranged according to the basis of the Chilian decree of February, 1882, as mentioned in Mr. Logan's No. 41. The treaty with Peru may be interfered with by the separate movement with Bolivia. Chili utterly renounces Calderon.

No. 51.

Mr. Logan to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, May 24, 1883.

Mr. Logan says that Iglesias has signed the treaty according to the bases already announced. Chili will yield the north of Peru at once, and keep an army in the center. Montero remains in possession of the south only. Peace will follow if the United States Government recognizes Iglesias. If this is not done, however, serious complications will ensue and peace will certainly be postponed.

No. 52.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 103.] LEGATION OF THE UNITED STATES,
Santiago, June 7, 1883. (Received July 14.)

SIR: In compliance with an invitation from the Chilian foreign minister, I was present at the opening of the Chilian Congress upon the 1st instant. The occasion was a very interesting one, as is usually the case here. The President, who had been unwell for a week previous to the opening, was sufficiently recovered to be present and read his message in person.

I accompany with this dispatch, under a separate cover, a printed copy of the message. It is a very able document, and by the boldness with which it meets and treats the various issues between the parties, has done much to dispel the cloud of antagonism which had formed previous to the beginning of the session.

I inclose under cover of this dispatch, marked No. 1, translation of those portions of the message treating of the various points at issue before the country.

Upon the question of concluding the war, the President evidently intended to refute the general charge that the Chilians had no purpose to arrive at a peace. The statement of a desire to make peace as soon as possible, as well as the disavowal of the purpose to permanently occupy Peru, by declaring the autonomy of that country, is very emphatic. My own knowledge of the desires of the Executive upon this point corroborates the utterance of the message, which desires have frequently been stated to you in my dispatches. The President informs the Congress that the bases of peace have been signed with "one of the most honorable leaders of the Peruvian army," referring to the recent protocol with Iglesias. For prudential reasons the bases of the protocol were not detailed in the message.

* * * * * * *

The question of the Holy See and the apostolic delegate, Del Frate, is very highly touched upon, as involving a controversy which is only just at its beginning. At the close of the message the subject is

resumed under the aspect of the relations between the church and state, and the most important measures of reform are boldly announced and recommended. Among these are the secularization of cemeteries, the establishment of registry and of civil marriage.

In accordance with the recommendations of the message, a bill has already been introduced into the Senate providing for the secularization of cemeteries. * * *

A question relating to the attempted restoration of relations between Chili and Spain is touched upon. This question will be fully laid before you in a subsequent dispatch.

I also inclose a translation of certain portions of the message relating to the army, and the economic and financial condition of the country, all of which will be found of interest.

I have, &c.,

C. A. LOGAN.

[Inclosure 1 in No. 103.—Translation.]

Extracts from the message of the President of Chili at the opening of the National Congress of 1883.

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF DEPUTIES: In informing you of the general progress of the public administration during the past year, I am gratified above all in assuring you that the internal peace has been maintained, as has also the firm, steady, and onward march of our institutions. To this circumstance, which among us is usual and constant, and which forms the most valuable assurance of our political progress, we owe the vigorous evolution of all the sources of our national development. For such marked favors we should yield up our gratitude to Almighty Providence.

* * * * * * *

Impelled by the timely desire to put an end to the war, I have sedulously endeavored to arrive at peace by all the means consistent with the national dignity. I have constantly striven with great difficulties, springing now from the defective authority of the pretended rulers who have desired to assume the representation of Peru, and now by the excessive demands which have rendered agreement impossible.

Never have a conquered people presented a condition in history like that of Peru. Overwhelmed by calamities, without an element of resistance, she has been, to her own suffering, a prey to the excesses of leaders who have accomplished her devastation and anarchy; while the partial union of men without military discipline, inflamed by mistaken patriotism, has excited the Peruvian people themselves; nor has regular warfare been possible with soldiers of this class. All these circumstances influenced me greatly in favor of peace.

The material prostration and moral anarchy of Peru have by no means excited our desire, since Peru, whatever ill-fortune she may have brought on herself, must remain in the regular and independent communion of American peoples. Nor can there be a doubt but our desire for peace has been always true and sincere.

The pitiable condition of Peru has awakened the sympathy of men who, above the narrow views of the chiefs and the parties who sustain them, have proposed to arrive at the peace, and have displayed a persevering and patriotic desire to this end. The Peruvian people, wearied and fatigued by their own misfortunes, have not shown themselves indifferent to this call; and if at this moment it is not given to me to say, as I have earnestly desired, that peace is concluded, and that it answers to our just demands and to that spirit of equity which we have always obeyed, I can nevertheless assure you that bases of peace have been already signed by one of the most honorable leaders of the Peruvian army, who, already in possession of a large part of the territory, will shortly, as I believe, assume the whole public power, and will then be able, with sufficient and well-qualified authority, to sign a definitive treaty of peace. This we may hope, provided unforeseen accidents do not interrupt the regular course of events.

* * * * * * *

At the same time the resumption of our interrupted diplomatic relations with Bolivia is being prepared.

* * * * * * *

An official relation has been given you of the causes which produced the rupture of the agreement of truce, whose capital points had been arranged in January of the past year between the agents of the two Republics. As was to be expected from its strange cause, this sudden rupture could not be of a permanent and definitive character. The interests which unite Chili and Bolivia are calculated to draw both peoples into an agreement of mutual advantage and reciprocal benefit, which we may shortly expect to see consummated.

At the call of this common interest, which cannot be prevented, and can only be evaded for a time, has arisen the idea of resuming the interrupted conference of January, 1882.

I cannot say at this moment that a perfect agreement has been reached as to the form and conditions under which this negotiation is to be carried on, but I judge that the differences which have up to this time presented themselves, in the views of the representatives of both nations, will be easily reconciled.

* * * * * * *

You ought to be acquainted with the official documents, which have been for several months in the hands of the public, which compose the history and unfold the development of the question initiated by the Government in 1878 to obtain the recognition of the prelate they had selected, in accordance with constitutional directions, to occupy the vacant archbishopric of the archdiocese of Santiago.

I have not thought it necessary to relate again the causes which resulted in the inevitable but unfortunate rupture of our diplomatic relations with the Holy See. The departure of the apostolic delegate was rendered necessary by the fact that he had initiated and achieved his attempt to bring the administration of the Chilian church into his own hands, while at the same time his diplomatic immunities, although not in opposition to the nature and reach of his proposed functions, would place him out of the control of our laws.

* * * * * * *

You also know beforehand the character and import of the public deeds which have produced a considerable modification in the state of our relations with Spain. Owing to repeated suggestions made to the general-in-chief of our army of occupation in Peru by the diplomatic representative of Spain at that capital, we did not hesitate a moment in paying military honors to the remains of the Spanish soldiers and sailors (while being removed to the cemetery at Lima) who had fallen in 1866 in the combat at Callao, and provisionally buried at that time on the island of San Lorenzo.

The Government could not have hesitated a moment in yielding to these suggestions, first and principally because it was essential to adapt its conduct to the practices and uniform customs from which educated and Christian nations never depart on such occasions, even with the enemy who falls in the heat of combat; and, secondly, because the fulfilling of this duty would present a favorable occasion for returning to Spain various marked demonstrations of courtesy and good will which had obtained the favor of the country and of the Government.

The participation which we had in the pious ceremony at Lima, in obedience to the strict and binding duty of the Government of a civilized and advanced country, was considered by the Spanish Government as a favorable opportunity to renew the friendly relations unhappily interrupted between the two countries; and so it represented officially in a communication directed by its representative in Lima to our minister plenipotentiary in that city, a communication which also proposed, in proof of deference and as an expression of friendly sentiments, that Spain should send one of her ships of war to the port of Valparaiso to salute the flag of the Republic.

We accepted this new and kindly-inspired suggestion of the Spanish Government, and offered to return the salute which they would make to our national flag. You yourselves are witnesses to the manner in which those acts took place, and the numerous and significant manifestations of public sentiment which followed this event have assured the Government that they have translated faithfully the opinion of the country.

So far the treaty re-establishing our friendly relations with Spain has not been signed, as some difficulties have arisen, which, nevertheless, will not affect the question seriously.

* * * * * * *

With the other European and American nations we cultivate our former relations of friendship with an elevated spirit of justice.

* * * * * * *

The exploration of the desert of Atacama becomes daily an object of greater and more intense interest for industry and science, both of which have important problems to solve there, and it is necessary, so far as the power of man can reach, that we study the nature of these tracts, that industry may calmly and quietly take possession of them. An exploring commission has been appointed, which will shortly commence its work under instructions which it has received.

* * * * * * *

The army and the national guard which have possession of the enemy's territories have continued, as always, giving testimonies of bravery, discipline, and self-denial in the face of the hardships of a campaign which continues to be severe.

You are aware that the movements of the army, in the period to which I refer, if less brilliant than the grand battles of the previous campaigns, are not therefore less worthy of attention and applause. While one part of our forces has held the north of Peru in complete subjection, another part of them has been in constant effort to break up and destroy the bands of Montoneros which, under the orders of chiefs as hostile to their own country as to us, have devastated the champaigns and plundered such towns as were not protected by our arms.

With sacrifices which have not been less painful for not being great, we have continued in our efforts to free the Peruvian soil of that element which has disturbed the tranquillity of the country and prevented the arrival of peace.

In the course of your sessions, you will be informed by the minute report of the general-in-chief, which I will cause to be distributed among you, of the method and means with which he has discharged the enormous labor intrusted to him.

One of the constant preoccupations of the Government, since the beginning of our occupation of Peru, has been the health of our army in that country of epidemics. From the same source I am gratified in being able to assure you that the sanitary condition of our forces has been during the year, and is now, satisfactory.

* * * * * * * * *

The war, which brings so many disturbances with it, has not opposed the development and onward progress of all the industries. The last harvest of cereals was not, in truth, as abundant as it promised, but in exchange, other branches of cultivation, not less important for the agricultural development of the country, have given satisfactory returns. The workman finds steady and well-paid work, and day labor is sought, and often in vain, for the various needs of developing industries. The products of the soil retain at home prices relatively high, although favorable conditions have not occurred for their entry into the great markets of the world. The activity of all industrial employments is shown by the daily increase of commerce by sea and land, in the growing steam navigation on our coasts, and in the incessant traffic of our railroads. Nor is it a less equivocal testimony that an extraordinary number of foreign vessels arrive at our ports soliciting the carriage of national products and the large amount of merchandise seeking a market on our shores.

Also a result of this is the mercantile movement which the statistics of the past year show.

The general commerce of the Republic in this period reached $124,000,000, or $16,000,000 more than in 1881. Of this sum, $63,000,000 answer to imports, and $61,000,000 to exports.

The special commerce amounted to $100,000,000 in 1881, and to more than $120,000,000 in the following year, which gives an increase of more than 20 per cent. for 1882. Of these figures, $70,000,000 correspond to exports, and $50,000.000 to imports. Nevertheless, we must remember that the exports are valued at the price in the currency of the country, while the imports are estimated in *pesos fuertes*, agreeable to the tariff of valuation which rules in our custom-houses. The circumstance of excluding from the amount of imports the arms and articles of war introduced for the state, may also somewhat influence these figures.

* * * * * * *

PERORATION.

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF DEPUTIES: The internal peace which the Republic enjoys, and the consequent universal welfare which is so vigorously developing itself, impose on us the duty and the task of quietly and prudently bettering our institutions.

On a previous occasion I have recommended to your approbation the study of very important projects of political and administrative laws, which are imperatively demanded by the exigencies of our progress. I have no need of especially recommending this at present, for I am justified in the conviction that in the course of your sessions you will confirm the laws which, relating to our municipal and electoral progress, have already passed under your official deliberation.

But the field open to your action covers always a wide area, where you must follow step by step the exigencies of our economical, political, and social progress.

You cannot conceal from yourselves that the actual condition of relations between the church and the state claim your imperative attention with the solution of a grave and complex problem.

The principles embodied in the fundamental charter of the Republic, as an expression of its sovereignty, and the royalties which the state may receive as an inheritance from the Spanish monarchy, meet to-day many obstacles in their application; for the church, as is notorious, opposes the first and ignores the other in the name of

doctrines which had been no obstacle to their full application during the two-thirds of our national existence.

At present the church denies to the civil power the right of nominating the high church dignitaries; efficiency is practically denied to the laws, which oblige the functionaries of the church, in their character of high dignitaries and public servants of the country, to recognize the superior authorities of the state; and the authority which our constitution confers on the public power to grant or refuse entrance (into the Republic) of conciliatory decrees, bulls, or pontifical rescripts for execution on the soil of the Republic is called into question.

You will understand that this reaction, so violently commenced, will cause us many conflicts as severe as they are barren, which have for their special merit the virtue of agitating deeply the spirit of citizen and believer.

The necessity is, then, to seek a method of solution to these conflicts, which method, respecting the individual right and opinion of each and all of our fellow-citizens, affirms and at the same time strengthens the authority of the state, which is the reflection of the sovereign power of the nation.

I will not conceal from you that the problem is complex, and that in solving it you must advance with so much the more caution, as the question is at bottom one not yet solved in nations more advanced than ours, and which have long felt the same sting which to-day rouses us and impels us onward in the highway of reform.

The juridical separation of church and state, leaving the former as an institution of private life which is the only condition on which it can exist, if the separation be once effected, is not a religious reform. It is simply a political reform of our legislation and of our public rights.

Nevertheless, this is an undertaking of immense proportions, since the chains which unite the civil power with the religious power have their roots in our whole constitutional and legal system, and in their application even touch the most fundamental details of our administrative system.

The logical and natural starting-point in reforms of this nature and grandeur is clearly indicated. We should extend the dominion of common rights to all its applications, commencing by embodying it in those laws which rule the constitution of the civil state of all the inhabitants of the Republic.

Another of these reforms, initiated some time since, can be shortly converted into a law, since it is assured of the sanction of one of the branches of legislative power. I allude, as you know, to the projected law for the secularization of cemeteries. The establishment of the registry and of civil matrimony will complete the first phase of this reform which we cannot evade, since it is demanded by the natural course of events.

I am persuaded that you will meet in your own patriotism the necessary stimulus to carry to a conclusion these reforms destined to shun the danger of disturbing conflicts, and that you will find, at the proper time, in your thoughts the means of introducing the improvements which this part of our legislation claims, founding such improvements on the basis of equity and justice, which, without alarming weak consciences, will insure to each one of our fellow-citizens his individual rights in all their legitimate manifestations.

I have profound confidence in the serene and calm judgment of the Chilian people; judgment has always been reflected in our Congresses, however agitated and uncontrolled the momentary passions which have at times divided them. Now, as always, patriotism and an elevated spirit of harmony will inspire you in your deliberations.

DOMINGO SANTA MARIA.

SANTIAGO, *June* 1, 1883.

No. 53.

Mr. Frelinghuysen to Mr. Logan.

[Extract.]

No. 48.] DEPARTMENT OF STATE,
Washington, June 7, 1883.

SIR: I transmit herewith a copy of a memorial and certain accompanying papers and documents in relation to a claim of Mr. Edward C. Du Bois, a citizen of the United States against the Government of Chili. The claim, as you will perceive from the memorial and proofs, grew out of certain acts and proceedings of the Chilian authorities in Peru during the recent occupation of that country by the military forces of the

former Republic, and took place under the orders and by the direction of duly commissioned officers of the army and navy of Chili.

For your convenience in the examination of the subject, I proceed to give you a condensed summary of the facts and circumstances upon which the claim rests.

On the 31st of October, 1871, the Government of Peru accepted certain proposals of Messrs. Benito Valdearellano and Dionicio Desteano, the former a Spanish subject, and the latter a citizen of Peru, for the construction of a railroad known as the "Chimbote, Huaraz and Recuay Railroad," but before the contract was fully concluded these gentlemen renounced their rights under it in favor of Mr. Henry Meiggs, a citizen of the United States, who was at that time extensively engaged in the construction of railroads in Peru and other South American countries. In pursuance of this relinquishment by Messrs. Valdearellano and Desteano, Mr. Meiggs was accepted by the Peruvian Government on the 10th of November of the same year, and a contract was entered into with him for the construction of the road referred to. Mr. Meiggs immediately commenced the construction of the work, but was soon obliged to suspend operations in consequence of the embarrassments of the Peruvian Government and its inability to pay for the work according to the contract.

The twenty-second article of the contract provided for such a contingency by a hypothecation of so much of the road as might be finished at the happening of such an event, and under the stipulations and provisions of this article, Mr. Meiggs held possession of the road for the amount then earned by him and remaining unpaid by the Peruvian Government.

In the early part of the year 1874, that Government succeeded in making certain financial arrangements which would enable it to continue the construction of the road, and in March of that year, Mr. Meiggs entered into a contract with Mr. Du Bois, the claimant, by the terms of which Mr. Meiggs was to pay Mr. Du Bois ten million and a half dollars ($10,500,000) for completing the road according to the stipulations and conditions of Mr. Meiggs's undertaking with the Peruvian Government. This arrangement between Messrs. Meiggs and Du Bois received the sanction of the Government in writing, and, in the ordinary formal manner, by the officer of the executive charged with such duties. The contract, the construction material on hand, the control of the road, together with all the legal and equitable rights and liens on the road which Mr. Meiggs had acquired by virtue of the stipulations of the twentieth article, were at the same time, in due form, transferred by Mr. Meiggs to the claimant Du Bois, who immediately recommenced the work, and in the procuring of construction material, obtaining laborers, building houses for their accommodation, building of a principal depot at Chimbote for construction material, warehouses and storehouses for the safe keeping and protection of said material as was portable, and in the general preparations necessary to the successful prosecution of the work, expended large sums of money.

The work went on until the year 1877, when the Peruvian Government, being then largely in debt to Mr. Du Bois, ceased altogether to meet the monthly payments provided for by the stipulations of the contract, upon which, he was obliged to stop the progress of the work, the arrearages then due to him being $400,000. Thirty-five miles of the road were completed and in running order, well stocked with engines, cars, machine shops, stations, and buildings. There was also on hand a large amount of rails, fastenings, sleepers, water-pipes, and other

articles essential to the construction of the road and carrying on of the work, all deposited at Chimbote, and in addition a large amount of railroad plant, tools, and material for the work of construction, the private and personal property of the claimant, Mr. Du Bois.

In the autumn of 1877 Mr. Henry Meiggs died, and soon after Mr. Du Bois renewed his Meiggs contract with Mr. Charles Watson, the executor and principal legatee of Meiggs and his legal representative, and by the terms of this new contract Watson acknowledged the amount then due by Peru on the Meiggs contract to be three hundred and fifty-two thousand eight hundred soles, or dollars ($352,800), for the construction of the railroad. Mr. Du Bois continued to hold possession of the road under the stipulations of Article 22 of the contract. He ran that portion that was finished about thirty-five miles, and from the scanty earnings obtained a small surplus over running expenses with which he was enabled in part to pay the actual expenses of caring for the property at Chimbote, with which he hoped to resume operations on the road.

Matters remained in this situation until September, 1880, the war between Chili and Peru having in the mean time (1879) broken out. In that month (September, 1880), when the Chilians had become masters of the sea and of much of the southern part of the territories of Peru, and the armies of the belligerents were confronting each other near Tacna and Arica, when the northern part of Peru was entirely unmolested, and no Peruvian troops were in that part of the Republic where Chimbote is situated, when the nearest Peruvian forces were at Lima, 250 miles south of Chimbote, and the main bodies of both the contending forces at Tacna and Arica, about 600 miles distant in the same direction from Chimbote, a raid was made on the northern part of Peru by a Chilian military force under the immediate command of General Lynch. The force landed at Chimbote on the 10th of September, 1880, and took possession and control of the town as well as the country surrounding it. There was not a single gun fired in resistance to the Chilians and not a Peruvian soldier in the town or neighborhood, as the memorialist states.

Upon landing, the Chilian troops took possession of the railroad, station-house and other buildings, and the grounds connected with it, in which were stored the rolling stock, equipments, and material for the building of the road, and also the individual property of the claimant which he had purchased and brought there for the purpose of construction. These houses and grounds they appropriated as barracks and camping ground, and so soon as they were in occupation, the troops began an indiscriminate and wanton plundering and spoliation of all movable property in and about the premises, notwithstanding the fact that the commanding officer had been notified by the United States consular agent at Chimbote that the property belonged to Mr. Du Bois, a citizen of the United States, and a neutral, and the further fact that the consular agent had received assurances that Du Bois's right as a neutral should be respected, his property protected from injury, as far as possible, and that nothing should be destroyed or taken away without a receipt or order being given therefor. Upon remonstrance being made by the consular agent to the Chilian officer in command, a small part of the articles taken away were temporarily returned, but the plundering, in the language of Mr. Hayball, the consular agent, went on, and continued "daily thereafter, openly, it being taken away by the launch load and shipped on board the Chilian vessels in the harbor, up to the very last day of the occupation; material from the station was

sold about the streets of Chimbote by the very men appointed to guard it. * * * Not a single receipt was given in any instance, either by the officers or men, for any article taken."

Before the re-embarkation of the Chilian troops all the locomotives and rolling stock in the station were destroyed or permanently disabled, and a large stock of lumber and other material set on fire and totally consumed, all by express order of General Lynch, the commander of the expedition. The exhibits Nos. 5*a*, 5*b*, 6*a*, and 6*b*, show the actual losses to the claimant from the appropriation, plundering, and destruction of property during the nine days' occupation of the place by the Chilian forces (September 9 to 18), to have been 304,398 silver soles. These inventories, as it appears from the memorial and statement, were made immediately after the occurrences by the "chief of traffic," the "station-master," and the claimant's bookkeeper, all of whom were familiar with the facts as well as with the property and values of the several articles.

After the evacuation of Chimbote by the Chilian troops, Mr. Du Bois re-entered upon and took possession of the railroad, and endeavored to repair the station-houses, rolling stock, and other property not completely destroyed or carried off, in the hope that on the return of peace he might be able to resume operations and reimburse himself—in part, at least—for the losses he had directly or indirectly suffered. In December, 1881, however, he received information that Chilian vessels had been dispatched to Chimbote, with orders from that Government to take possession of and remove all rails, cross-ties, and other material of said railroad remaining in his possession.

Upon getting this information Mr. Du Bois applied to the United States minister at Lima and entered a protest setting forth the facts, and on the 30th of the same month the claimant delivered in person to General Patricio Lynch, the commander of the Chilian forces, a copy of this protest. Notwithstanding the protest, however, the military orders were carried out, and during the months of December, 1881, and January, 1882, all the rails, plates, bolts, nuts, spikes, cross-ties, water-pipes, and other material not destroyed or taken in September, 1880, were carried on board the Chilian vessels then in the harbor of Chimbote, and taken, as the claimant was informed, to Chili, to be used in the construction of railroads and water-works in the southern part of that Republic, more than a thousand miles distant from any point that had been touched by the war.

As soon after as it was possible, Mr. Du Bois carefully prepared a detailed inventory of the property taken in this second visitation or raid, which was sworn to by him before the United States consular agent at Chimbote, and shows the loss he suffered on this occasion to have been one hundred and nine thousand five hundred and thirteen soles ($109,513), and the estimates of his loss of profits on the unperformed parts of his contract, which he was by this second seizure and spoliation rendered wholly unable to go on with, to be one million fifty thousand four hundred and eighty-eight soles ($1,050,488). His actual losses for property stolen, destroyed, and appropriated, it will thus be seen, were 413,911 silver soles, and added to this is his estimated losses resulting from the breaking up of his enterprise, one million fifty thousand four hundred and eighty-eight soles ($1,050,488), making the total demand 1,464,399 soles.

Mr. Du Bois, being thus disabled from further pursuing the enterprise and carrying out his contract, was compelled to abandon the whole matter, which he did on the 20th of July, 1882, having first

secured from Mr. Watson, the legal representative of Mr. Henry Meiggs a release from the contract and at the same time a transfer and assignment of all interest in the present claim in these words:

In consideration of the rights of Mr. Du Bois for previous debt, for profits from failure to carry out the work, and for damages sustained, I, Charles Watson, have agreed to cede and transfer to him all my rights to the indemnity to be exacted from the Chilian Government for the materials seized and destroyed by authorities of its dependency, and for damages they have caused to the contractors of the Chimbote Railroad.

Mr. Du Bois thus becomes the sole representative of the claim now put forth. He has returned to his home in the United States, and now asks the interference of this, his own Government, in the assertion of his rights against that of Chili.

In view of these facts, and in anticipation of some questions that may possibly arise in your discussion of them with the minister for foreign affairs of Chili, I submit some observations which you will make such use of as you may find convenient and proper. In the first place, it is to be noted that from the moment of the breaking out of hostilities between Chili and Peru to the time of leaving the latter country, Mr. Du Bois maintained in good faith the strictest neutrality between the belligerents, never interfering by act, word, or deed for or against either. He had, moreover, no settled or permanent domicile in Peru, his absence from his home in the United States being for the single and specific purpose of constructing and building the Chimbote Railroad. This work he undertook under a contract with the late Henry Meiggs, a citizen of the United States, who held a contract with the Government of Peru for the same work, and the transfer from Mr. Meiggs to Mr. Du Bois was approved by that Government.

The property destroyed was far from the seat of war and practically inaccessible by land, so that apparently the railroad and its appliances could not be used by the Peruvian authorities in the prosecution of the war, they being without force at sea to transport the rolling stock and materials to a point where they could be effectively used.

It appears, therefore, that no good end could be accomplished by the destruction of this property, for the taking or destroying of neutral property in an enemy's country must be clearly necessary to the accomplishment of the just ends of the war, unless, indeed, the professed neutral has taken sides in the conflict or rendered aid or comfort to the belligerents, which does not appear in this case.

The second attack upon the property appears to be still less justifiable. At that time Chili was in possession of Lima; no Peruvian troops were in the neighborhood of Chimbote, and the property seems to have been appropriated for the purpose of constructing another railroad within the territory of Chili.

General Lynch, at the time of the first raid, seems to have recognized the right of Mr. Du Bois to reimbursement, for that distinguished Chilian leader stated to Mr. Hayball, the official representative of the United States at Chimbote, that the rights of Mr. Du Bois as a neutral should be respected, his property, as far as possible, protected, and that nothing should be destroyed or taken away without a receipt or order being given therefor. General Lynch was at that time the only representative at Chimbote of the authority of Chili. How far his promise was fulfilled in the occurrences of September and December, 1880, and the subsequent occurrences of January, 1881, is a question that must be left to the determination of the Chilian Government. But it is the duty of this Government to see that the rights of one of its citizens

who had embarked his fortune in a legitimate enterprise are not disregarded, and should his property have been appropriated or destroyed in contravention of justice and the laws of nations, it becomes incumbent upon the United States to urge upon Chili the reimbursement of his just claims.

It is unnecessary to examine the rights of Du Bois as against the Government of Chili in the light of the rules and principles of international law. Without waiving a resort to settled doctrines, the admission of Chili of her liability for losses incurred by other neutrals through similar acts on the part of Chilian authorities relieves this Government from any such discussion. In the light of treaties concluded with other countries, but particularly with France, and relying upon the friendship which has existed so long between the two Republics, the President directs you to present this claim to the minister of foreign affairs, urging that Mr. Du Bois strictly observed his neutral character and relations during the war; that he was temporarily in Peru for a special and particular purpose; and the fact that provision has been made in behalf of other friendly neutrals for losses of a like character. The President expects the early attention and just consideration by the Government of Chili of the claim of this American citizen; and while the estimate of the indirect damages which have resulted to Mr. Du Bois in this connection may, from the nature of such claims, in fairness be open to revision either in extension or reduction, it is none the less expected that such an indemnity will be promptly admitted, and that the direct losses, which are readily ascertained, will be speedily acknowledged and paid with interest.

You will report the result of your proceedings to the Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 54.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 104.] LEGATION OF THE UNITED STATES,
Santiago, June 18, 1883. (Received July 27.)

SIR: The news of two important events has reached us since my last dispatch.

Firstly. The Arequipa Congress has voted to confirm and continue Garcia Calderon as provisional President of Peru, and Lizardo Montero as first Vice-President; and at the same time has elected General Cáceres second Vice-President.

Secondly. The same Congress has ratified the protocol made by Montero with the Bolivian President, Campero, by which it is agreed to cede Tacna and Arica to Bolivia, provided that the latter continues her military support to Peru until the close of the war.

The first of the measures was, perhaps, a necessity, upon the principle of being a bad policy to swap horses while crossing a stream; while the second was a good move of the Peruvians to checkmate the separate treaty of Bolivia with Chili, and just upon the verge of consummation. My own view of the situation now is, that the separate treaty with

Bolivia is for the third time deferred almost at the moment of completion.

It is necessary that I should inform you of the fact that the protocol of a treaty made by Iglesias, as recently reported to you in my cablegrams and dispatches, was not jointly signed by the latter and the Chilian representative. It was my first impression that this was the case, but a better knowledge of the instrument has shown me that Iglesias has signed the agreement obliging him to make a treaty with Chili upon the terms heretofore reported to you, when the latter shall recognize the Government of Iglesias. This extra caution arises from the fear of a repetition of the broken promises of Calderon when his Government was called into life by the Chilians.

Iglesias is probably at Truxillo to-day to take possession of North Peru, under the agreement, and will at once begin the monthly receipts * * * from the custom-houses of that portion of the Republic. The Chilians claim that * * * the fact that his Government has made a peace with the enemy and will be supported by the latter must bring to his side all of the respectable people, who are disgusted with the Calderon-Montero personal government, and who, in recognizing the entire defeat and helplessness of Peru, desire an immediate peace upon the best obtainable terms.

* * * * * * *

I have, &c.,

C. A. LOGAN.

No. 55.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 108.] LEGATION OF THE UNITED STATES,
Santiago, June 25, 1883. (Received August 3.)

SIR: I beg leave to call your attention to the case of certain American merchants in Lima, and in order that you may have a full understanding of it I inclose documents marked Nos. 1, 2, 3, and 4. The last of these, being my own communication to the persons named, will convey to you the point I desire more particularly to bring to your notice.

As to the merits of the case itself I am not prepared at this time to form a judgment, the whole facts of the decree complained of not being entirely clear to me. I waited upon the minister of foreign relations in an informal way with the express purpose of learning the reasons upon which the decree was based. The minister had no knowledge of it, as General Lynch is vested with full power to manage military affairs in Peru. He assured me that the latter could not have done any act not susceptible of the fullest justification; but when I pressed him for an investigation he courteously informed me that unless I could say that I had received direct authorization from my Government to represent my countrymen domiciled in Peru, in this matter, he did not feel at liberty to establish a precedent which might cause his Government infinite annoyance from other foreign representatives.

* * * * * * *

If upon an examination of the inclosed papers you desire me to press

the case of the Lima merchants signing the complaint, all of whom I presume to be American citizens, I shall take pleasure in doing so upon receipt of your instruction to that effect.

I have, &c.,

C. A. LOGAN.

[Inclosure 1 in No. 108.]

Protest of Davis Brothers and others, of Lima.

LIMA, *May* 2, 1883.

Hon. C. A. LOGAN, *&c., &c., &c.:*

SIR: The undersigned, American citizens doing business in Peru, beg respectfully to call your attention to the inclosed decree of General Lynch.

The undersigned have already paid their *patente* or industrial tax for the present year according to classification made by the authorities of Chili, and in virtue of said payment are entitled to carry on their usual business during the said year.

The decree in question, issued *after* said payment was made, therefore annuls what in good faith we have already paid to do, and therefore is evidently illegal and unjust.

Moreover, according to Chilian usage, the *consignatarios* or *importadores* are those who receive vessels consigned directly to them, and who sign *manifestos por mayor* in the custom house. These importers are divided into two classes, who pay, respectively, $2,000 and $500. Under Peruvian law no distinction is made between a consignee of vessels and a consignee of merchandise, but importers are divided into four classes, which admitted of small importers like ourselves paying a tax proportional to the amount of their capital and business.

If the present decree be carried out we shall pay neither according to Chilian nor Peruvian usage; we therefore respectfully submit to your consideration our contention that we have the right during the present year to continue our usual business in virtue of the industrial tax already paid by us, without any further payment on our part, and in future we have the same right to be taxed according to the laws and customs of either Chili or Peru, and not according to arbitrary measures.

We therefore earnestly request that you will present our just claim to the Government of Chili, to have the said decree of General Lynch modified according to right and justice.

Very respectfully,

[Signatures of Davis Brothers and fifteen other American merchants of Lima.]

[Inclosure 2 in No. 108.—Translation.]

No. 2914.

Decree of General Lynch.

Whereas, according to Article I of the decree of the general headquarters, under date of the 26th of November, 1881, it is essential to satisfy the conditions of the license law therein established, referring to the exercise of any profession or industry in the Peruvian territory occupied by the forces under my command, I have

Established and decreed that—

From the first of August of this year foreign merchandise can be imported only through the custom-houses subject to these general headquarters, and which have satisfied the condition of the tax upon importing and commission houses for foreign goods.

In the execution of this decree the ports of Chili shall not be considered as foreign ports.

NOTE.—Communicate and publish.

LYNCH.

CLODOMIRO MUJICA,
Secretary-General.

[Inclosure 3 in No. 108.]

Davis Brothers and others to Mr. Logan.

LIMA, PERU, *June* 2, 1883.

DEAR SIR: In answer to your communication of May 21, we will endeavor to explain more clearly to you the cause of the claim made by ourselves and others in Lima and Callao.

Since the occupation of Lima by the Chilian forces we have continued in almost every respect as before under Peruvian authority. Almost every retail merchant here imports merchandise from abroad, for which they formerly paid an industrial tax or *patente*, as *importadores*, which tax was divided into five classes and permitted small importers to continue their business by payment of an amount in proportion to same. This custom was respected by the Chilian authorities both for the past and present years. These authorities named the customary committee to classify all industrial pursuits, and we have all paid the tax in conformity with *their* classification to carry on our usual business during the present year; that is, to import goods from foreign countries and sell them in this market, with the only difference that instead of styling us *importadores* they now call us *almaceneros*. After having paid this tax in advance for this year, the decree in question was issued which forbids us to continue our business as before unless we pay a further tax as "importers," which they divide into two classes, one to pay $500 and the other $2,000.

We hold that as we have already paid our industrial tax for this year, according to classification made by the Chilian authorities, and in virtue of that payment we have the right to continue our customary business for the time for which we have already paid, without any further payment on our part. And, further, that as the Chilian authorities have themselves continued Peruvian law and custom, we have the right to continue our business in future years by payment of an industrial tax in conformity with the amount of our business, so that whether they style us *importadores* or *almaceneros*, we should be divided into five classes as formerly, so that each firm will pay what is fair and just.

The Chilian authorities have continued to make use of the Peruvian tariff valuations for importations of merchandise, augmenting the duty from 25 to 50 per cent. ad valorem, which causes us to pay on some articles 300 per cent. on cost price, and on an average 120 per cent. on the cost of the goods, thus making it very difficult for us to continue our business, and if we now have to pay an additional exorbitant and arbitrary industrial tax it will add further embarrassments to our already difficult position.

We therefore claim that in right and justice we ought to be allowed to continue our business for the present year without any further payment of industrial tax, and in future that we shall be taxed according to the amount of business done by each firm.

In procuring this we beg your kind assistance, and with great respect we remain, &c.,

DAVIS BROTHERS,
And for others signing first document.

[Inclosure 4 in No. 108.]

Mr. Logan to the protesting merchants of Lima.

LEGATION OF THE UNITED STATES,
Santiago, June 23, 1883.

GENTLEMEN: Your additional communication of the 2d instant in relation to decree No. 2914, of General Lynch, prescribing the payment of a commercial *patente* for the present year, has been received.

In reply I have to inform you that I waited upon the minister of foreign relations, and laid the whole case before him. He expressed great surprise at the statements of your communications and was very confident of there being some mistake as to the facts. He said that General Lynch was not only a pre-eminently just man, but that he was also an exceedingly cautious official, and though the Government here had no knowledge of the decree, yet he could not for a moment believe that General Lynch had done anything not justified in the fullest manner by the rights of the occupying power.

I then pressed the minister strongly to make an examination of the circumstances of the case, in order that error might be righted, if any had been committed, by the local authorities in Lima; but the minister said, that while he was disposed to extend

every courtesy to me and the country I represented that might be within his power, yet that as the complainants resided in Peru, he did not understand that my Government had given me any power to represent them, and that, as it would be establishing a precedent for the representatives of other powers to take advantage of, he would be compelled to decline my request.

Thus the matter stands at present; but I do not propose letting it rest upon that sort of basis. I shall, therefore, lay the whole case before the Department at Washington by the next mail, and ask for an instruction to press the Government to a decision. An express authorization of this kind, to speak for our countrymen in Peru, cannot be disregarded. Though a longer time will be involved in the solution of the case by this forced mode of procedure, yet I am confident we shall get justice at the end.

I am, &c.,

C. A. LOGAN.

No. 56.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 113.] LEGATION OF THE UNITED STATES,
Santiago, July 2, 1883. (Received August 3.)

SIR: Under cover of this dispatch I inclose a translated copy of the protocol to make a treaty with the Chilian Government, recently signed by General Iglesias as heretofore reported in my cablegrams and dispatches.

The feature of this protocol which will probably interest you as much as any other is that which relates to the payment of the Peruvian debt. * * * In the proposed treaty with Iglesias, Chili simply agrees to pay the foreign bondholders 50 per cent. of the net proceeds from the sale of one million tons of guano, the supposed amount of the present known deposits; the other 50 per cent. going into her own treasury, with the exception of the Lobos Islands guano, which, as first promised to me, Chili will relinquish her claim upon. It is expressly stipulated, however, that if future deposits of guano be discovered in the acquired territory, Chili will appropriate them to herself.

* * * * * * *

It is reported that the news of the signing of a protocol by Iglesias has produced extraordinary excitement in Bolivia, and that the sentiment for dissolving the alliance with Montero, and making a separate treaty with Chili, is overwhelming. * * *

I have, &c.,

C. A. LOGAN.

[Inclosure 1 in No. 113.—Translation.]

Peace protocol between Novoa and Iglesias.

LIMA, *May* 12, 1883.

To Señor Don JOVINO NOVOA:

In the various private and confidential interviews which, by especial recommendation of General Iglesias, we have had with your excellency, we have been occupied in studying the means likely to put an end to the war between Peru and Chili, and, with the hope of arriving at a good result, we have established the bases upon which the two Governments may soon sign a treaty of peace.

We herein inclose the bases which have been sent to General Iglesias, and we hope that he will accept them, provided that you have no objection to answering us as to

whether these are really the conditions to which we have agreed, and which at the same time you accept as a conclusion of the treaty of peace. We should be greatly obliged to receive your distinct answer.

Accept, &c.,

JOSÉ ANTONIO DE LAVALLE.
MARIANO CASTRO ZALDIVAR.

To Messrs. JOSÉ ANTONIO DE LAVALLE AND MARIANO CASTRO ZALDIVAR:

It is perfectly accurate, that, inspired by the natural desire to see an end of the actual state of war, we have upon various occasions held certain private conversations to discuss the bases which might serve for a treaty of peace between Chili and Peru; and the result of our friendly interviews has been the acceptance of which you speak in your letter.

If General Iglesias constitutes a Government which may be recognized by Chili, and accepts the terms mentioned in the included document, promising to conclude a treaty of peace upon these bases, I will have no reluctance whatever, as minister of Chili and in the name of my Government, in signing the treaty containing these terms.

I avail, &c.,

JOVINO NOVOA.

THE PROTOCOL.

I bind myself formally and solemnly to celebrate with the Republic of Chili a treaty of peace, as soon as the minister plenipotentiary of that country recognizes me in the name of his Government as President of Peru. (I will sign such peace) on the following conditions:

1st. Unconditional and perpetual cession to Chili of the department of Tarapaca, as far towards the north as the Quebrada de Camarones, this territory passing in consequence under the absolute sovereignty of Chili.

2d. The territories of Tacna and Arica, actually in the possession of Chili, will be subject to the legislation and laws of Chili for the term of ten years, reckoning from the day when the treaty of peace shall be celebrated. This term once elapsed, a plebiscite will be convoked to decide by popular vote whether these territories shall remain under the sovereignty of Chili or return to that of Peru. That one of these two nations, in whose favor the definite annexation shall be decided, shall pay the other 10,000,000 silver pesos in Chilian coin or in Peruvian soles of equal fineness.

A special protocol shall establish the form under which the plebiscite shall take place, and the term in which the 10,000,000 pesos shall be paid by the country remaining master of Tacna and Arica.

3d. The Government of Chili obliges itself to fulfill accurately the contract entered into for the guano, the guano decrees of the 9th of February, 1882, and the salitre decrees of the 20th of March of the same year, including the following declarations:

The said decree of February 9, 1882, provides for the sale of one million tons of guano, and article 13 establishes that the net price of the guano—after deducting all expense of extraction, analysis, weighing, loading, wages of workmen and overseers, and all the expenses incurred in packing and loading on board ship—shall be distributed equally between the Government of Chili and the creditors of the Peruvian Government whose titles are guaranteed upon these deposits.

Moreover, the Government of Chili declares that, once concluded the sale of the million tons, she will pay to the creditors of Peru the 50 per cent. of the net product, as established by article 13, until either the debt be paid in full or the guano deposits be exhausted.

It is understood that the question includes simply the deposits at present actually being developed, and that those which may be discovered or developed later in the annexed territories, shall belong exclusively to Chili, this country conserving for itself all the products, and disposing of them as it wishes.

It is equally understood that the creditors of Peru, to whom this benefit is conceded, shall submit to the conditions fixed in the decree of the 9th of February, 1882. Outside the declaration stated in this article, Chili does not recognize, either as cause of war or for any other motive, any debt of Peru, whatever may be its nature.

4th. The Lobos Islands of the north shall continue to be administered by Chili until the conclusion of the contract of sale of 1,000,000 tons of guano, at which time they shall revert to Peru.

Chili, to whom belongs the 50 per cent. of the net product of the guano of the Lobos Islands, in accordance with the decree of February 9, 1882, already cited, concedes this also to Peru, and will commence to yield it to her from the moment in which the present treaty of peace shall be ratified.

5th. The question relating to the new commercial relations and the indemnities due to Chili, shall be discussed and resolved later.

No. 57.

Mr. Frelinghuysen to Mr. Logan.

No. 60.] DEPARTMENT OF STATE,
Washington, July 30, 1883.

SIR: Your various interesting and full dispatches in relation to the negotiations and the progress of events on the west coast of South America have been received and carefully and attentively read and considered. The Department appreciates the energy which you have exerted in endeavoring to discover a method upon which all parties could consistently and honorably agree to bring about a permanent peace, and your suggestion as to the increase of your powers and jurisdiction has not been passed upon lightly or hastily, but has received that careful consideration which the importance of the subject and the strength of the arguments which you have advanced in its support so clearly merit.

The President, however, has deemed it inexpedient in the present state of affairs to accede to your suggestion, but has concluded that the consistent policy of equal and unprejudiced friendship towards three sovereign republican states required the appointment of a minister to each of the posts where the vacancy existed. He has therefore appointed as minister to La Paz, Mr. Richard Gibbs of New York, who, as you well know, was for several years minister at Lima, where he performed creditable service. Capt. S. L. Phelps has been named to the mission in Peru, for which his previous experience as an officer of the Navy on duty for some time on the South Pacific station, and his other experiences in South American countries, eminently fit him.

You are requested to confer frankly and freely with these gentlemen in all matters which concern the efforts now being made to secure a basis of peace. Their instructions refer them primarily to instructions heretofore issued to Mr. Trescot, Mr. Partridge and yourself, as indicating the policy of the United States Government, and they are directed as a first duty to examine into the situation of the present political parties in Peru with a view to advising this Department as to the standing, support, and power of the two contending aspirants for executive control in that country. Not doubting that your relations with these gentlemen will be mutually cordial, agreeable, and frank,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 58.

Mr. Logan to Mr. Frelinghuysen.

No. 120.] LEGATION OF THE UNITED STATES,
Santiago, August 8, 1883. (Received September 14.)

SIR: Since the important event connected with the signing of a peace protocol by General Iglesias but little has occurred of importance not already known to you through the newspapers.

The recent defeat of Cáceres by Colonel Gorostiago at Huamachuco was a crushing blow to the Calderon-Montero party. It is claimed that

his command is so completely broken up that he will never again be able to take the field.

Meantime the Iglesias movement is being strengthened daily. Meetings of both political parties, the Calderonists and Pierolistas, are taking place in Lima, which declare their adhesion to him. The various departments are declaring for him, and the negotiation for turning Lima over to him is now going on. It is thought that in a month more he will be installed in Lima with an overwhelming following at his back.

An important item of news is that the friends of Calderon and Montero in Lima are recognizing the installation of the Iglesias government as a foregone conclusion; and, in giving in their adhesion to it, have sent a special commission to Arequipa to importune Montero to come to an understanding with Iglesias. The feeling here in government circles is quite confident that peace will be formally signed between Chili and the allies before the close of the present year.

I have, &c.,

C. A. LOGAN.

No. 59.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 122.] LEGATION OF THE UNITED STATES,
Santiago, August 15, 1883. (Received September 26.)

SIR: I have to report the following: The French minister in Lima recently complained to his Government that many instances of outrage upon French citizens, as well as upon the subjects of Germany, England, and Italy, had been perpetrated by the Chilians in Peru, some of which instances were presented at length in the dispatch of the minister. In conclusion of his complaint the latter recommended the French Government to obtain the co-operation of the powers named in calling upon Chili to "reaffirm her good disposition" towards them.

In pursuance of this complaint and recommendation, the French minister of foreign affairs addressed circular notes to the corresponding officials of England, Germany, and Italy, asking the co-operation of their respective Governments in the movement. These latter in turn have addressed their ministers in Chili, requesting them to investigate the facts and report, and I was approached by one of my colleagues for the purpose of learning if I would be willing or not to recommend my Government to join the powers named in a joint action in the direction indicated.

I declined having anything to do with a matter in which I had no concern, and further informed my colleague that if it were desired to learn the sentiment of my Government in relation to the proposed action, the proper course to pursue would be to address the latter direct.

* * * * * * *

I am unaware whether or not our Government has been addressed upon the matter, and consider it my duty to report those facts for your information.

I have, &c.,

C. A. LOGAN.

No. 60.

Mr. Frelinghuysen to Mr. Logan.

No. 65.] DEPARTMENT OF STATE,
Washington, August 31, 1883.

SIR: I have to acknowledge your No. 108, of the 25th of June last, inclosing certain papers in regard to a complaint of certain American citizens at Lima against a decree issued by General Lynch, which the aggrieved persons had brought to your notice.

You state that upon presenting the matter informally to the minister of foreign affairs he remarked that General Lynch had plenary powers in Peru, and that his action was not directed from Chili, and asked if you were authorized by your Government to represent American interests in Peru. You therefore request instructions for your guidance in the premises.

In reply I have to state that, as the minister of the United States in Chili, it is your duty to make representations to the Chilian Government in behalf of American citizens who have suffered injury through the action of the subordinate officers of that Government wherever such injury may have been committed. You are authorized by virtue of your office to address the minister of foreign affairs at Santiago, but representations to General Lynch are an entirely different matter, and do not properly come within your sphere of action.

In regard to the case of which your dispatch treats, I would say that, as Mr. Phelps is now, or will soon be, at his post in Lima, that he will be able, upon an examination of the subject, to take such action in Peru as the exigencies of the matter may seem to demand.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 61.

Mr. Frelinghuysen to Mr. Logan.

No. 67.] DEPARTMENT OF STATE,
Washington, September 14, 1883.

SIR: Referring to your No. 113, communicating the text of the protocol signed between General Iglesias and the Chilian, Señor Novoa, leading to a definitive treaty of peace, I inclose for your information a copy of an instruction (No. 8) to Mr. Phelps, our minister at Lima, on the subject.*

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 62.

Mr. Frelinghuysen to Mr. Logan.

No. 72.] DEPARTMENT OF STATE,
Washington, October 3, 1883.

SIR: I have to acknowledge your No. 122, of the 15th of August last, in regard to the alleged joint action of France, England, Germany and

*See Mr. Frelinghuysen to Mr. Phelps, No. 8, August 25, 1883, *post*.

Italy in the affairs of the Pacific coast of South America, and to approve your refusal to be approached in the matter. Beyond your dispatch the Department as yet has no information on the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 63.

Mr. Logan to Mr. Frelinghuysen.

[Extract.]

No. 146.] LEGATION OF THE UNITED STATES,
Santiago, November 1, 1883. (Received December 5.)

SIR: Having received a communication from my colleague in Lima, informing me that a difference had arisen between Iglesias and the Chilian Government upon the inclusion of Tarata in the territory of Tacna and Arica, I thought it my duty to see the foreign minister, Señor Aldunate, who had just returned from his visit to Peru, and learn the precise status of the case. To my relief, this gentleman informed me that my colleague was wholly mistaken as to the facts; that a slight difference of opinion had arisen upon a question of construction, and that after being discussed with the Iglesias representatives for a couple of hours, Chili had receded and confined the boundary to the line originally proposed by me during my negotiation with Señor Calderon, viz, the Sama River. The parties are, therefore, in perfect accord.

My colleague lays great stress upon the third article of the treaty, which relates to the Peruvian foreign debt, and it seems to me he considers Department instruction No. 8 to him to bear the interpretation that our Government will withhold its countenance to the Iglesias treaty. I do not share that opinion, because of the manifest difficulty in which it would involve us.

Firstly, Chili claims complete justification of the refusal to pay any part of the foreign debt, in the circumstance that an overwhelming majority of the holders of the debt accepted, through an agent with full powers, the settlement based on the sale of 1,000,000 tons of guano, receiving the pecuniary awards therefrom subsequently, and that therefore they are legally estopped from making any further claim.

Secondly, as there is none of that debt held by American citizens, it is not a question directly affecting the United States, unless a general and recognized principle were involved.

* * * * * * *

Knowing, as I have known for some time past, and as I have constantly informed the Department, that the establishment of the Iglesias government upon the treaty signed with Chili was a wholly foregone conclusion, and that it would be quite impossible for our Government to take a position of hostility to it, I have recommended that our Government be the first to recognize, in order that we may reap the prestige, among all of the belligerents, of having thrown our influence in the promotion of peace.

With the fall of Arequipa the whole of Peru gives in its adhesion to Iglesias, and when the treaty is ratified by the Assembly, no Government can refuse to recognize which does not intend to hostilize it.

With our own Government, therefore, the recognition is but a question as to the most expedient time. My own opinion has been, and still is, that we should recognize in advance of any other Government.

I have, &c.,

C. A. LOGAN.

CORRESPONDENCE WITH THE LEGATION OF CHILI AT WASHINGTON.

No. 64.

Mr. Godoy to Mr. Frelinghuysen.

[Translation.]

LEGATION OF CHILI,
Washington, July 22, 1883. (Received July 24.)

SIR: Under the supposition that owing to the temporary absence of its agents in Peru, the Department of State may not have received direct information of several important events which have transpired in this country, I have the honor to transmit for your information a telegram which I received last night from General Lynch, chief of the Chilian army in Peru, in which is shown that the greatest impediment in the way of the consolidation of the government of Colonel Iglesias has disappeared through the complete dispersion of the troops commanded by the chief Cáceres.

The telegram above referred to reads as follows:

MINISTER OF CHILI,
Washington:

One thousand six hundred of the Chilian troops defeated four thousand Peruvians under the command of Cáceres at Huamachuco. The enemy left all his artillery and provisions on the battle-field, and 900 dead. The dead belonging to our forces numbered 56. Iglesias is master of the situation.

LYNCH.

I avail, &c.,

JOAQUIN GODOY.

No. 65.

Mr. Godoy to Mr. Frelinghuysen.

[Translation.]

LEGATION OF CHILI,
Washington, October 29, 1883. (Received October 29.)

SIR: I had the honor, on the 24th instant, to address to you a communication transmitting to you the information that I had just received by telegraph in relation to important events which had occurred in Peru tending to the restoration of normal relations between that country and Chili.

According to that information, the government of General Iglesias, which was established at Lima on the 23d, after having signed a defini-

tive treaty of peace, was exercising its authority everywhere in Peru except in Arequipa and its vicinity. It was hoped, however, that the people of Arequipa would soon yield and unite with the rest of the Peruvians in supporting the government of General Iglesias.

This hope has now been realized, as I learn from a telegram which I have just received from General Lynch. It is dated Lima, October 29, and is as follows:

Arequipa surrendered without a battle. Iglesias proclaimed in this city. Montero has fled.

If your excellency's Government has already been informed by its representatives of the foregoing, the intelligence contained in this communication will be of no value except as furnishing evidence of my desire to advise your excellency without delay of the establishment of a state of things in consonance with the wishes that have been entertained by all Governments friendly to the belligerents on the Pacific coast.

I avail, &c.,

JOAQUIN GODOY.

CHINA.

No. 66.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
Peking, October 10, 1882. (Received December 1.)

SIR: In my dispatch No. 33, dated the 9th instant, I had the honor to give you some notes of a conversation with his excellency Li Hung Chang, when I called upon that statesman at his yamên in Tien-Tsin. The next day his excellency returned my call and remained for a long time, talking especially about the opium question, and the desire of the Chinese Government to free the country from that evil.

His excellency said that China was very much indebted to the United States for the moral effect of the article in the treaty signed by Messrs. Angell, Swift, and Trescot. He was anxious to have some policy adopted by his Government that would be satisfactory to the English cabinet, and at the same time enable the Chinese authorities to control an evil that was menacing the happiness of the whole people.

I said in reply that the practical difficulty as to the opium trade was the question of India's revenue. I alluded to my visit to India, and the interest which, as a traveler, I had taken in the problem of British rule over that venerable, vast, and historic Empire. Imagination had made India a rich country. It was poor. There was a large debt. The revenues came from three sources mainly—land, opium, and salt. A tax upon salt was like a tax upon sunshine. Yet it yielded annually nearly thirty-five millions of dollars. It was always a problem to balance an Indian budget. The last budget I had seen showed a revenue of about $342,000,000 and an expenditure of about $348,000,000. Of this expenditure over $70,000,000 went to England, and was really so

much of a drain upon India. Opium yielded $50,000,000. It was a certain, steady, growing revenue, having increased from $40,000,000 to $50,000,000 annually in ten years. The Government held the monopoly as much as England and France held a monopoly in tobacco. It was Napoleon's idea of raising a revenue from the vices and luxuries of a people. It would be a serious problem to govern India, with a budget now so hard to balance, and to take from that budget $50,000,000. In that financial problem alone seemed to be the heart of the whole opium question.

The viceroy said he had looked into this aspect of the opium question and recognized the embarrassments of the British Government. China was willing to make any concession that would assist England in India. What made the present situation so painful to China was that the opium vice had been nurtured as a source of revenue and was growing every day. China was compelled to admit opium or run the risk of another war.

I said that I did not believe that public opinion in England, America, or any other enlightened nation would consent to war for mere purposes of revenue. We might almost as soon expect to see war in favor of slavery. The people of England had shown what sacrifice they would make for a principle by the abolition of slavery in the West Indies. This came only after a long agitation and entailed a great charge upon the English exchequer. What brought about West India's emancipation was systematic agitation and ceaseless appeals to the conscience of the English people. We had seen the same forces at work in America. The best way to bring public opinion in England to a recognition of the enormity of the opium traffic was to keep the question always before the people.

The viceroy said he appreciated that necessity, and the value of constant appeals to the conscience of England. He was glad to know there was already a sentiment at work, a society under the presidency of Earl Shaftsbury. In this society were many leading men, members of Parliament and others. They had brought the matter before Parliament, and would do so on every occasion. He had written a letter to this society, which he would be glad to show me. [Inclosure 2.]

I said I would value any expression his excellency had made upon the opium question, and would send it to my Government. I could not, however, hope to see a way for the settlement until some new source of revenue was found for India.

The viceroy said he had been considering a plan, and had spoken to some English friends about it. His idea was that the trade could be limited to a period of twenty-five or thirty years, diminishing so much every year, and terminating at the end. This could give the British authorities in India time to develop some new source of revenue to take the place of opium.

I asked his excellency if the British cabinet had shown any desire to accept such a plan. The viceroy said if made in good faith he did not see how it could be declined. What he wanted, however, was the active good-will of the United States.

I answered that the United States had shown its good-will in two ways. The first was in the restrictions upon Americans dealing in opium. The second was in our confirming that restriction in our recent treaty with Corea.

The viceroy said the action of the American Government in each case merited and received the gratitude of China. "At the same time," I continued, "while this example would have a certain moral influence,

the practical solution of the question remained with England, and the way to solve it was to show England how to govern India with a revenue less than now by as much as $50,000,000 a year."

The viceroy said this was the concern of England, not of China. The wrong remained all the same if it gave $500,000,000 a year instead of $50,000,000.

* * * * * * *

The viceroy repeated the desire of his Government to suppress the trade. He again referred to his anxiety to have the active support of the United States, and said the Government had been considering the propriety of sending an embassy to England and to the other powers to present the case of China on the opium question.

I answered that, apart from the opium question, there were other reasons to favor the propriety of sending an embassy of high rank to the western powers, an embassy that would represent the controlling forces in the Government. Peace and the best understanding upon all subjects were served by unrestricted and constant friendly intercourse between nations. The embassy of Mr. Burlingame had been of great advantage to China. The Japanese had sent two special embassies to the United States. One came under the old Tycoon Government, over twenty years ago, and was the first personal knowledge gained of Japan by western powers. Then came another, an imposing embassy, under Mr. Iwakura, the present junior prime minister, and with a large representation of eminent Japanese statesmen. This mission secured to Japan a favorable treaty from the United States. Another embassy was now in Germany under Governor Ito, formerly secretary of the home department, its purpose being the study of the German system of government. Nothing would be more certain to attract public attention than an imposing embassy from China. It should contain officials of the highest rank, with a large retinue. I ventured to add that the viceroy himself might do service by going as the head of the embassy, as Mr. Iwakura did from Japan.

The viceroy said he would like to go, especially to the United States, but did not see how he could do so. If the embassy was sent it would contain men of the highest rank. He then asked whether I could suggest any plan, or whether the United States Government would, to eradicate opium.

I repeated that the Government had shown its desire to aid in this work by our treaty. I had no doubt it would listen with care to any representation China would make, and consider what was best. My own judgment was that unless there was some agreement between China and the Indian Government, looking toward an extinction of the trade in a given number of years, there was nothing to be done but to agitate. Public opinion was supreme in England, as in America, and once public opinion was awakened to the sin of the traffic the Government would find a way to stop it. We had slavery in America, which, twenty-five years ago, seemed dominant and immortal; but public opinion destroyed it. The viceroy said that the war was a terrible price to pay. I said yes, but the war was an expression of public opinion, and succeeded only because public opinion was in earnest.

The viceroy remarked that slavery was an evil, but opium-smoking a greater evil.

I observed that China should convince the world that she was sincere in her dislike to opium by trying to control the consumption. There were many ways in a Government so strong as China by which at least the use of opium could be restrained.

The viceroy replied that he was considering how best to do this in Tien-Tsin and the Chihli province. He asked if I had any suggestions to make.

I answered that I was not familiar enough with Chinese methods to venture a suggestion. It would not be difficult, I thought, to put opium shops under police supervision, and gradually tax them out of existence.

The viceroy affirmed that there was nothing about which he was more in earnest than in dealing with the opium question. In this resolution all the statesmen in the Government were agreed.

During the lull in the conversation one of the officials of the viceroy, a taotai, said the Chinese were anxious to know if we could do anything to aid in education.

I asked in what way our Government could be of service.

The taotai said the Chinese were anxious to have good officers for their army and navy. He knew we had fine naval and military schools in our country. The Japanese had had young men educated there, and it always seemed strange that China could not have the same privilege.

I said this was a subject upon which I could not speak without authority. The Government would be quite as willing under the laws to educate Chinese as Japanese. Our people had shown how much interest they felt in the education of Chinese by their regret at the sudden removal of the boys from the Hartford school.

The taotai said the Government would like to send forty boys to our military and naval schools. They would be of the very best families and would do credit.

I said, that if everything else was convenient, it would be difficult to find accommodation for so many scholars. The schools at Annapolis and West Point were built for a certain number of pupils, and we could not well add to the number. "But," I continued, "why not, instead of having a few pupils educated in America, have your own schools at home, based upon American ideas? What a Government wants is a permanent school that would send out so many young men every year and admit so many, so as to keep up the supply of officers. That could only be done at home, as was now done in Japan. I have no doubt, if the matter were submitted to the Government, there would be every desire to render China the best advice and assistance."

The taotai said this matter of education was one which the viceroy had very much at heart.

The viceroy and party then took leave. His excellency said he hoped soon to see me again to have conferences upon many questions about which China craved the advice and the assistance of the American Government.

The opium question is one in which the United States can only have a moral interest, as our citizens do not cultivate the poppy and have only had a slight interest in the trade. The Chinese are very anxious for us to use our efforts to induce the English to agree upon a policy that will in time put an end to the present traffic. The extent of the misery coming from opium will be found in an extract from a recent address of Dr. Dudgeon, a well-known Scottish surgeon, resident here, which I inclose. The principal argument in favor of the opium trade is that the Chinese will smoke it, and that the habit cannot be eradicated. * * * As to the home culture, I suppose that China feels that if opium cannot be kept out of the country, their people might as well make some money out of the crop as the Indian husbandmen. If the trade could

be suppressed, the imperial Government, as the viceroy said with energy, would soon put an end to the home cultivation of the poppy.

I cannot doubt the sincerity of the Chinese authorities, especially of Li Hung Chang, in their desire to suppress opium. A copy of his excellency's letter to the British Anti-Opium Society, which he gave me, I add as an inclosure. I believe that if the English can see a way to make up the deficit in the Indian revenues which a stoppage of the opium trade would involve, they would be glad to wash their hands of the whole business. This more especially as the anti-opium agitation will grow if the Chinese carry out the suggestions of Li and send an imposing embassy to the various courts to protest against the wrong they endure from Great Britain.

* * * * * * *

You will note also the conversation about the education of young Chinese in our military and naval schools. I repeat it as an interesting illustration of the desire of the Chinese to form closer relations with America and accept the advantages of our civilization. I was hoping that opportunity would allow me to discuss at length the recall of the young men from Hartford, a subject upon which I am anxious to confer with the high authorities. But the Chinese gentlemen were my guests, and it would have been a trespass upon the sacred rights of hospitality to have introduced a question that might involve criticism or controversy.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 34.—Extract.]

The diseases of China: their causes, conditions, and prevalence, contrasted with those of Europe.

By John Dudgeon, M. D., *Peking.*

I am sorry I cannot speak in the same terms of opium, of all our luxuries the sweetest destroyer of health, property, position, and life; of all our vices the most insidious and most difficult to throw off; one of the quietest and least obtrusive, yet that which, beyond all others, tells most seriously in the long run on national life and prosperity. This is hardly a place to enter a protest against opium consumption, but in considering health and disease among the Chinese it is impossible to shut out this factor. Whole chapters, if not volumes, might be profitably taken up with the consideration of this subject in all its various aspects, but the medical is alone of interest to us at present. The effects of opium accord well with the Chinaman's natural temperament, which leads to patience and love of peace, rather than rude blows and fighting. There is no just comparison between the man who indulges in excess of wine and the one who takes a pipe of opium; the latter is more like the habitual dram-drinker, whose depraved and vitiated appetite now craves for the powerful stimulant. Opium is preferable to spirits, for it does not brutalize; it does not excite the fierce passions of men, but, by enervating, soothes them. The habit is easily acquired; a fortnight's regular use, and it will require an almost superhuman effort to cast it off. This is one of its most characteristic peculiarities. The gnawing agony of the unsatisfied craving is maddening; physical strength is prostrated, the mind weakened, and a few seconds after the opium pipe has touched his lips, the smoker is relieved for the time being of all his suffering. He anticipates his craving and flies to the stimulant; if deprived beyond the usual period, he gapes, yawns, and discharges mucus from his eyes and nose, and is perfectly miserable and good for nothing. There are rare cases of great determination throwing off the evil habit; body and mind are too weak for the execution of the purpose.

The curse of the habit, like drunkenness, falls with special severity upon the poor; half of the laboring man's wages are spent on this single article. We can imagine the misery at home, his constitution ruined, family reduced to poverty, situation and character lost, beggary his inheritance, and thieving his portion. He brings a variety of physical evils upon himself, dyspepsia, inveterate constipation, dysentery and diarrhœa

of an intractable character threatening the life of the confirmed smoker who would renounce the vice, and too frequently it is so without the renunciation of the pipe; spermatorrhœa follows with its long train of evils, affecting his posterity and the population of the country. I cannot take time to portray all the physical evils which we find following in the wake of the smoker. The good he derives in chest affections, such as cough, chronic bronchitis, ordinary diarrhœa, and dysentery, when not caused by the drug itself, are for a time at least substantial gains, although I fear it renders the radical cure of many of these affections in the long run more difficult, in reducing vitality and the resistance of the body to deteriorating influences.

[Inclosure 2 in No. 34.]

Li Hung Chang to Mr. F. S. Turner, secretary of the Anglo-Oriental Society for the Suppression of the Opium Trade.

VICEROY'S YAMÊN,
Tien-Tsin, China, May 24, 1881.

SIR: It gave me great pleasure to receive your letter dated February 25, with its several inclosures, sent in behalf of the Anglo-Oriental Society for the Suppression of the Opium Trade.

Your society has been long known to me and many of my countrymen, and I am sure that all—save victims to the opium habit and those who have not a spark of right feeling—would unite with me in expressing a sense of gratitude for the philanthropic motives and efforts of the society in behalf of China. To know that so many of your countrymen have united to continually protest against the evils of the opium traffic, and thus second the efforts China has long been making to free herself from this curse, is a source of great satisfaction to my Government, to whom I have communicated a copy of your letter. The sense of injury which China has so long borne with reference to opium, finds some relief in the sympathy which a society like yours existing in England bespeaks.

Opium is a subject in the discussion of which England and China *can never meet on common ground.* China views the whole question from a *moral* standpoint; England from a *fiscal.* England would sustain a source of revenue in India, while China contends for the lives and prosperity of her people. The ruling motive with China is to repress opium by heavy taxation everywhere, whereas with England the manifest object is to make opium cheaper, and thus increase and stimulate the demand in China.

With motives and principles so radically opposite, it is not surprising that the discussion commenced at Chefoo in 1876 has up to the present time been fruitless of good results. The whole record of this discussion shows that inducement and persuasion have been used in behalf of England to prevent any additional taxation of opium in China, and objections made to China exercising her undoubted right to regulate her own taxes, at least with regard to opium.

I may take the opportunity to assert here, once for all, that the single aim of my Government in taxing opium will be in the future, as it has always been in the past, to repress the traffic—never the desire to gain revenue from such a source. Having failed to kill a serpent, who would be so rash as to nurse it in his bosom? If it be thought that China countenances the import for the revenue it brings, it should be known that my Government will gladly cut off all such revenue in order to stop the import of opium. My sovereign has never desired his Empire to thrive upon the lives or infirmities of his subjects.

In discussing opium taxation a strange concern, approaching to alarm, has been shown in behalf of China lest she should sacrifice her revenue; and yet objection and protest are made against rates which could be fixed for collection at the ports and in the interior. The Indian Government is in the background at every official discussion of the opium traffic, and every proposed arrangement must be forced into a shape acceptable to that Government and harmless to its resources. This is not as it should be. Each Government should be left free to deal with opium according to its own lights. If China, out of compassion for her people, wishes to impose heavy taxes to discountenance and repress the use of opium, the Indian Government should be equally free, if it see fit to preserve its revenue by increasing the price of its opium as the demand for it diminishes in China.

The poppy is certainly surreptitiously grown in some parts of China, notwithstanding the laws and frequent imperial edicts prohibiting its cultivation. Yet this unlawful cultivation no more shows that the Government approves of it than other crimes committed in the Empire by lawless subjects indicate approval by the Government of such crimes. In like manner the present import duty on opium was established not from choice, but because China submitted to the adverse decision of arms. The war must be considered as China's standing protest against legalizing such a revenue.

My Government is impressed with the necessity of making strenuous efforts to control this flood of opium before it overwhelms the whole country. The new treaty with the United States containing the prohibitory clause against opium, encourages the belief that the broad principles of justice and feelings of humanity will prevail in future relations between China and western nations. My Government will take effective measures to enforce the laws against the cultivation of the poppy in China, and otherwise check the use of opium; and I earnestly hope that your society and all right-minded men of your country will support the efforts China is now making to escape from the thralldom of opium.

I am, &c.,

LI HUNG CHANG.

No. 67.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 43.] LEGATION OF THE UNITED STATES,
Peking, October 18, 1882. (Received December 1.)

SIR: On the 21st September I received from Mr. Cheshire, acting consul-general at Shanghai, a dispatch which I inclose. Mr. Cheshire recites the fact that Mr. W. S. Wetmore, an American citizen, resident at Shanghai, and doing business there, had organized a company for the manufacture of cotton yarn. In doing this Mr. Wetmore and his associates acted under the laws and in the enjoyment of a right which they believed to be secured to them by treaty. Shares were issued. Deposits were paid by shareholders to the amount of 100,000 taels, and the company was about to embark in active business. Thereupon a notice appeared in a Chinese newspaper to the effect that Mr. Wetmore's proposed company was illegal in this, that it was in contravention of a monopoly for the manufacture of cotton cloth, which had been granted for ten years to a Chinese company by the Chinese northern superintendent of trade.

Chinese investors were forbidden to take shares in Mr. Wetmore's company, "as it never would be permitted to go into operation." As many of the shareholders were Chinese, and as this announcement inspired a sentiment of distrust, Mr. Wetmore's enterprise came to a stand-still, and entailed upon him pecuniary loss. Mr. Wetmore asked the intervention of the acting consul-general. That officer reports to the legation that he called upon the taotai and presented the case. He pointed out to the taotai that many branches of manufacture had been established by foreigners in Shanghai, and that Mr. Wetmore had, in addition to his legal rights, only followed many precedents in forming his company.

The taotai informed Mr. Cheshire that he was acting in obedience to the minister superintendent of northern trade, and that his orders made it incumbent upon him to issue a mandate forbidding Chinese to invest in the shares of Mr. Wetmore's company.

The taotai gave Mr. Cheshire a copy of the decree, a translation of which I inclose, and which presents the Chinese case. It is written by Chang, at present minister superintendent of trade, as well as viceroy of Chihli, who succeeded Li Hung Chang, when that statesman went into mourning. In this decree the minister superintendent states that Li Hung Chang, his predecessor, had, in view of the difficulties attendant upon any new business enterprise, and as encouragement to

manufacturers, granted to a Chinese company the exclusive right to manufacture cotton cloth in Shanghai for ten years, and that he had done so under "the patent law existing in western countries." This concession was submitted to the throne, and had received the sanction of the Emperor. The minister superintendent refers to the embarrassments accompanying the efforts of his company to manufacture cotton cloth, partly from the character of the native cotton, partly from the want of experienced artisans and proper machinery. An American named Danforth, "a diligent and careful man," had therefore been employed to look into these difficulties, and the result of his efforts is that Mr. Danforth believes he can, by an improved loom and other processes, make good cloth out of native cotton. Orders had accordingly been given to carry on the enterprise, when "all of a sudden" his excellency learns that another "factory" is announced in competition.

His excellency does not overlook the fact that while his monopoly covers the manufacture of cloth the company of Mr. Wetmore simply contemplates the manufacture of cotton yarn, branches of industry as far apart as making shoes and tanning leather. But he meets this difficulty by the ungracious intimation that Mr. Wetmore and his associates have "clearly avoided styling theirs a cloth factory with the intent to covertly subvert Chinese interests. His excellency feels that if the new company is not suppressed his labor and trouble will be wholly spent in vain. Its success would prove greatly detrimental to commercial interests in China." The taotai is therefore ordered to take necessary steps to suppress the new company and protect the monopoly.

The case of Mr. Wetmore is presented fully and clearly in letters from that gentleman which I inclose. Mr. Wetmore is the head of one of the largest mercantile houses in China, and a merchant of high standing. Before starting his company he called upon Mr. Denny, the consul-general, and was informed by that gentleman that there was no reason why it should not be organized, and mills erected in Shanghai for the manufacture of cotton yarn. Mr. Wetmore recites at length the obstacles thrown in his way by the Chinese, to which I allude above in referring to the dispatch of Mr. Cheshire. He avers that the effect of the taotai's action has been to bring the enterprise "to a deadlock," and unless he can have assurance of protection he is afraid he "will be compelled to abandon the project altogether." Such an ending he fears would result in "serious consequences." He had been acting in good faith as a business man seeking an honest business purpose. He had the assurance of protection from his consul-general. Under this assurance two-thirds of the shares had been allotted, and machinery telegraphed for. There had been estimates for building and negotiations for land. Mr. Wetmore points out that foreign manufactures of acids, brick, leather, flour, iron-ware, matches, glass, and paper have been permitted in Shanghai. He naturally sees no reason why cotton yarn should be prohibited.

A further dispatch from Mr. Cheshire, dated September 23, recites certain facts and rumors in reference to the Chinese company monopolized by the Government. * * *

Although these rumors have no bearing upon the point at issue as to Mr. Wetmore's rights under the treaties, they have some interest as a part of the history of the case.

I havegiven the subject careful attention, anxious to secure Mr. Wetmore isrights, and anxious also not to do anything that might appear like an attempt to interfere with the internal affairs of China, and

especially with any sincere effort on the part of Chinese officials to create new branches of industry, an effort which I would support with entire respect and sympathy.

With this view I read with care the order of the minister superintendent of northern trade, considering every argument advanced by him with interest and in a friendly spirit. But the case appears to admit of no cavil. The right of Mr. Wetmore is assured by treaty. There is no special provision in any convention between the United States and China, but the French treaty contains an express stipulation which Mr. Wetmore enjoys under the "favored nation" clause. In the convention signed at Tien-Tsin, June 27, 1858, and ratified in Peking, October 25, 1860, between France and China, there is this provision:

> French subjects and their families may establish themselves and trade, or pursue their avocations in all security, and without hindrance of any kind, in the ports and cities enumerated in the preceding article.

In the treaty signed at Peking, November 2, 1865, and ratified at Shanghai October 27, 1866, between China and Belgium, occurs identically the same provision.

Feeling, therefore, that Mr. Wetmore had been denied his undoubted rights as an American citizen, and that the arguments of the minister superintendent were untenable, I addressed a dispatch to Prince Kung, which I inclose, calling the early and serious attention of his imperial highness to the subject. I pointed out the exact position of American citizens in China under our treaty, as well as their conceded rights under international law. I held that the "monopoly" granted by the superintendent of northern trade was void, as contrary to law. I reminded him that in the United States Chinese subjects had engaged in many kinds of manufacturing and mercantile pursuits, from which they had gained large profits, and that Mr. Wetmore was only asking a privilege and right which had been given in America to a multitude of the prince's countrymen. I might also have shown the detriment to the best interests of China of the adoption of any system of exclusion or monopoly such as was proposed in Shanghai; that instead of benefiting manufactures, it would stifle them, and that it was a violation of the modern laws of practical economy.

As the question will lead to further discussion, however, it seemed best to reserve these considerations and rest our case upon our undoubted treaty rights.

As illustrating the possible feeling of his imperial highness upon the question thus presented to him, I would call your attention to the dispatch of my predecessor, Mr. Holcombe, No. 92, dated April 29, 1882. (See Foreign Relations, 1882.) In this dispatch Mr. Holcombe sends to the Department copies of correspondence between Mr. von Brandt, the German minister, as representing the diplomatic body, and the foreign office upon a case somewhat akin to that of Mr. Wetmore. The result of this correspondence as summarized by Mr. Holcombe was that the Chinese cabinet contended, first, that foreigners had no right to engage in manufacturing operations in China; and, second, that if they did so goods so manufactured must invariably be exported, and could not be sold. "In the opinion of the entire diplomatic body," Mr. Holcombe continues, "there is no treaty stipulation which can furnish a just basis for either of these assumptions." The apprehension was also expressed that there "was no present prospect of reaching a satisfactory arrangement."

I attach much importance to this case, because it will revive in a prac-

tical shape, and as directly affecting American rights, the serious problem referred to by Mr. Holcombe, and which has been in abeyance since the date of his dispatch.

* * * * * * *

If there should be any difficulty in convincing the cabinet of the error which has been committed by the minister superintendent in dealing with Mr. Wetmore, my belief and hope are that the ministers of the treaty powers will unite with me in a general statement of our case, and insist that the real point at issue is not one merely affecting a commercial enterprise in Shanghai, but one that rests at the foundation of all commercial and business relations between Chinese subjects and the citizens of the western nations whose capital, enterprise, industry and genius have done so much to give to China the benefits of an advanced and enlightened civilization.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 43.]

Mr. Cheshire to Mr. Young.

SHANGHAI, *September* 12, 1882.

SIR: I have the honor to bring to the notice of your excellency a question of some importance, and one which I think can only be satisfactorily determined at Peking. The question to which I allude is the formation by foreigners of public companies for the manufacture of articles from native products.

Mr. W. S. Wetmore, an American, and head of the firm of Frazar & Co., and Mr. T. V. Grant, some time ago started a company for the manufacture of cotton yarn; shares were allotted and deposits made to the extent of about 100,000 taels. Everything appeared to be going well, when there appeared a notice in the Shen Pao to the effect that as the Shanghai Cotton Mill Company had obtained a monopoly for the period of ten years from the northern superintendent of foreign trade, the Shanghai intendant had been instructed to investigate and prohibit the formation of a cotton yarn company, which it was alleged had been started by Chinese under the name of some foreigner, &c.

This notice seemed to have caused the circulation of many rumors among the Chinese, some of whom were shareholders in the company started by Mr. Wetmore.

Mr. Wetmore, therefore, addressed a communication to me (see letter dated September 8, inclosed herein), requesting my official assistance, with a view to ascertaining whether any special monopoly had been granted to a native company, which had been started for the sole manufacture of cotton goods, while his was for the manufacture of cotton yarn; and, if so, by whom issued, &c. I called on the taotai, with whom I discussed the matter, and learned from him that a grant or permission had been issued by the northern superintendent of trade to the Shanghai Cotton Mill Company, which is in course of formation.

I informed the taotai that I did not think that the company Mr. Wetmore had started could in any way interfere with the Cotton Mill Company, for the reason that one was for the manufacture of cloth and the other yarn; and as the yarn company had been started by an American and another foreigner, and as there were no regulations that I was aware of in force prohibiting the establishment of such a company by foreigners, I failed to see how an instruction like the one referred to could affect it, even though there were Chinese shareholders interested in it. I pointed out the fact that there were silk filatures which had been established in Shanghai by foreigners in which Chinese held shares, and that a tannery company had been started in the same way; and in view of these precedents Mr. Wetmore was perfectly justified in floating his company, which was for the manufacture of cotton yarn, an industry which, if developed, would conduce largely to the prosperity of the country; and the fact that there were Chinese shareholders in it was proof that they took an interest in the undertaking. I also explained that the notice referred to the company as having been started by Chinese and put under a foreign name, which was not the case; that Mr. Wetmore had established it, and Chinese had invested in shares the same as in other companies.

With a view of obtaining the text of the concession to the Shanghai Cotton Mill

Company, and to have an official record of the same, I addressed a note to the taotai on the 10th instant, referring to the notice which appeared in the Shen Pao, and requested him to send me a copy of the communication received from the northern superintendent of trade. I have just received a reply inclosing the document, a copy of which I beg to inclose.

I had a further conversation with the taotai last Saturday, when he informed me that so far as the Chinese shareholders in Mr. Wetmore's company were concerned, he would be obliged to carry out the instructions of the minister superintendent of northern trade, and that he had issued prohibitory notices to three of them through the mixed court magistrate. I inclose copy of a letter which I addressed to the taotai to-day, and also copies of two other communications which I received from Mr. Wetmore upon the subject, one dated the 9th and the other the 12th of September, which fully explain the case.

You will observe in his last letter that, if possible, Mr. Wetmore would like to secure a special grant from the Chinese Government to work the yarn company.

It seems to me that Mr. Wetmore's case is a good one. If a monopoly had been granted by the Chinese Government to the Cotton Mill Company, to the exclusion of all other like enterprises, this fact should have been known. Then, again, other companies have been started by foreigners against which no opposition has been made by the Chinese officials.

I trust that your excellency will be able to bring about a speedy and satisfactory adjustment of the matter, and that Mr. Wetmore may be allowed to carry out the enterprise he has undertaken.

I am, &c.,

F. D. CHESHIRE,
Vice-Consul, in charge.

[Inclosure 2 in No. 43.]

Mr. Wetmore to Mr. Cheshire.

SHANGHAI, *September* 8, 1882.

SIR: Some time before the departure of Mr. O. N. Denny, I had in hand the formation of a company for the manufacture of cotton yarn from native cotton at this port, an industry that has never been undertaken here, and which if developed would conduce largely to the prosperity of the country.

I had several conversations with Mr. Denny on the subject and was informed by him there was no reason whatever why I should not go on with such an enterprise and establish mills for the purpose on any convenient site in the vicinity. I accordingly organized a company with a capital of 300,000 taels, and shares for the full amount were subscribed for and about one-third of the money already paid in, when, in the issue of the native paper Shen Pao on the —— instant an article appeared to the effect that the formation of this company was an infringement of the rights of a certain other company, to which it was stated a monopoly for the manufacture of cotton fabrics in China had been granted for a period of ten years.

This article, without any signature, was given simply among the news items, but was furnished to the paper by the principal party interested in the company claiming the monopoly, and evidently for the purpose of intimidating the intending shareholders and preventing them from paying up their subscriptions; and this is precisely the effect that has been produced, so that at the present time the formation of the company is brought to a dead lock, and unless the statements in the article can be immediately contradicted in some way, I am very much afraid I will be compelled to abandon the project altogether.

I am committed to such an extent with reference to the company that such a result would have serious consequences for me, and I am anxious to make use of every lawful means to meet such a failure of the enterprise.

With regard to the company claiming a monopoly, I knew nothing at the time I commenced the formation of the one I have in hand, nor was I aware any company was in existence claiming such an exclusive right, until the article referred to appeared in the Shen Pao, nor do I know anything about it now except a vague report that some special privileges were granted to some company several years since for the manufacture of cotton cloth, but so far as I can learn no practical steps have thus far been taken to carry out the enterprise.

My contention in the premises is:

First. That there is no law or usage in China authorizing the issue of such an exclusive privilege or monopoly (as that claimed) to any person or company.

Second. That if there were, it should be done as in other countries, under letters

patent, so as to give notice to the world and fair warning to others contemplating similar enterprises.

Third. That the exclusive license for the manufacture of cotton cloth could not be construed to embrace cotton yarn.

Fourth. That, therefore, in alleging a monopoly to which they were not entitled lawfully, and publishing the same for the purpose of interfering with the carrying out of our company, the practice therein implicated has inflicted on myself and those interested with me a serious injury for which they should be held accountable.

I am informed and believe that the Chinese officials generally are very desirous to develop manufacturing industries in this country by which their raw materials can be converted by machinery into fabrics which have a large consumption here, and in no direction is there such a field for such operations as in the use of raw cotton which is produced in very large quantities in this portion of the Empire.

It is stated that the company claiming exclusive privileges as aforesaid has, or proposes to have, a capital of 400,000 taels. With such a capital the production of cotton goods would be so insignificant in comparison with the enormous quantity used and imported here that it would not be worth even a mention. In the stabilities of trade it would occupy no perceptible position, when it is considered that cotton fabrics are imported into China yearly to the extent of about 15,000,000 pieces, worth over 25,000,000 taels, and cotton yarns exclusively from England and India to the extent of 150,000 piculs, worth 4,000,000 taels, it will be seen how insignificant would be the production of a company which could not work up more than thirty piculs of cotton per day.

The granting of a monopoly to such a company would be tantamount to the prohibition of the manufacture altogether, and it would be the same if the company had twenty times that capital. If therefore the rulers of China are really desirous to see factories springing up for the manufacture of one of their most important staples, they have taken a most effective step to prevent the carrying out of their own views, assuming they have made such a concession as is claimed, and that it could be maintained as against all others desiring to enter the field, as not only would it exclude others, but those who claim to hold the privilege do not seem to have taken any effective steps to carry it out.

When the field is so extensive there is room for not one company alone, but for hundreds, and I am safe in saying that ours would have no more effect upon the success of the other company than if, instead of making yarn, we were to make some article of an entirely different material and nature.

In asking your assistance in this matter, therefore, we are claiming nothing that interferes with vested interests, or inflicts an injury on any one. We are asking nothing that we are not satisfied we are justly entitled to, and will therefore be greatly obliged if you will render us such assistance as may be in your power as early as possible, so that we may be able to give an authoritative contradiction to the article in the Shen Pao referred to, and at the same time have the means of satisfying the shareholders in the company that no official interference with the enterprise need be feared.

I am, &c.,

W. S. WETMORE.

[Inclosure 3 in No. 43.]

Mr. Wetmore to Mr. Cheshire.

SHANGHAI, *September* 9, 1882.

SIR: I am sorry to trouble you again in the matter of the company formed by me for the manufacture of cotton yarn, but the situation appears to be so critical as to call for such immediate action as may be possible to protect my interests and those of the parties associated with me in the company.

I hoped your visit to the taotai would have tended to neutralize the effect of the article in the Shen Pao to which I called your attention, but so far from this being the case, not only has the payment of subscriptions been stopped, but several of the principal shareholders are in great fear, owing to reports that they are to be prosecuted before the mixed court, and unless steps can be taken at once to restore confidence I fear the company will be broken up altogether.

Though the article in question appeared in the Shen Pao simply as a news item, it is known to have been furnished by the manager of the China Telegraph Company, and probably in consequence of the use of certain forms of expression which a private Chinaman would not venture to employ without some show of authority, the article carries a weight for the purpose intended probably as great as if it were an official communication.

Even if exclusive right or permission has been given to any person or company to

manufacture cotton, no legal action could be taken against me or any one else for an infringement of that permission until I had actually commenced the making of the goods. I would have a perfect right to form a company, dispose of shares, purchase land, erect buildings, set up machinery and start it, and no infringement of rights could be set up and established until I actually commenced the production and sale of the manufactured article.

The parties interested in the company which has taken this unexpected action against me have, I am informed, taken legal opinions, and have doubtless been advised that they could take no judicial measures against us, and have therefore resorted to this underhand method to prevent the formation and carrying out of our company.

Being thus attacked in a semi-official way, it is my right to demand of the Chinese authorities, through you, an inspection of the alleged concession for the exclusive privilege of manufacturing cotton, under which this interference with the formation of my company has been ventured upon, so that in case no such concession has been made with reference to cotton yarn, or in regard to the manufacture of cotton generally, in terms which would render my action an infringement upon any existing exclusive privileges, I can at once have an official contradiction inserted in the Shen Pao to that effect, or that in case it does appear such a concession has been made, I can take the necessary steps to have its validity contested in the proper quarter, and my right or that of any other American to engage in such a business established, or the contrary.

I have, therefore, respectfully to request that you will obtain from the taotai an official contradiction of the truth of the allegations in the Shen Pao referred to, or a copy of the concession under which the claims referred to are put forward, so that I may at once be able to contradict the statements myself if they are not true, or take the necessary steps to contest the validity of any exclusive concessions if they have been made.

I am, &c.,

W. S. WETMORE.

[Inclosure 4 in No. 43.]

Mr. Wetmore to Mr. Cheshire.

SHANGHAI, *September* 12, 1882.

SIR: With reference to my letters to you of the 8th and 9th instant and my several consultations with you in regard to the formation, by myself, of a company for the manufacture of cotton yarn at this port, I understand from you that the taotai has received from his superior at Peking instructions to inquire into and prohibit the prosecution of the enterprise, in view of the fact that exclusive permission had already been granted to another company, for a period of ten years, to manufacture cloth from native cotton at this place.

As I previously informed you, I undertook the formation of my company on the assurance of Mr. Denny that he knew of no reason why I should not do so. I have therefore issued shares for more than two-thirds of the required capital, have telegraphed to England in regard to machinery, obtained estimates for building, negotiated for land, and taken other measures involving much risk, expense and labor.

Having now, however, been informed by you that the taotai alleges that he has received instructions to the effect that the enterprise, if carried out, would conflict with certain exclusive privileges accorded to other parties, I shall not of course proceed to the erection of mills unless on an investigation of the question it is found that I am entitled to do so, and I receive the requisite authority from or through our legation at Peking. As it is very important that the question should be decided as speedily as possible, I have to request, therefore, that you will kindly lay the matter before the minister, and on my behalf that he will have the subject carefully investigated, and, if possible, secure for me from the proper Chinese authorities the requisite permission to go on with my company, and erect mills and proceed to manufacture cotton yarn according to the intentions with which this company has been organized.

In the mean time I must most emphatically protest against any interference with me and my plans in connection with the company, and particularly with respect to the intimidations which the local authorities appear to be resorting to.

As you are aware, they have written to those of the native shareholders in the company, requesting them to withdraw from it, their object being in this way, if possible, to intimidate the shareholders, and thus endeavor to break up the company. Having from the first shown no disposition to take any steps that were not authorized, and expressing our willingness to abide by the decision of the proper authorities on a consideration of the facts of the case, we have a right to expect that, on their side, the Chinese officials will refrain from all underhand and unlawful interference with us

"Moreover, the cloth company in manufacturing cotton fabric must of necessity manufacture yarn also. If steps are not taken to suppress the company and if its existence is permitted to continue, surely all our labor and trouble will be wholly spent in vain, and it would be impossible to say whether the enterprise would succeed or not, and it would prove greatly detrimental to commercial interests in China. As to the promoters of this enterprise, though the names of responsible persons are not known, yet we have good reason to believe that the company was incorporated by Chinese and not a project of foreigners. The facts of the case should be clearly set forth and a prohibitory notification be issued everywhere, so as to render powerless the efforts of those interested in the yarn company, and thus restrain them from carrying it into operation. We have already acquainted the taotai here of the facts of the case, and begged him to make further inquiry, from time to time, concerning the yarn company, and we cannot but also petition and pray your excellency to look into this matter, and to consider the difficulties merchants have to contend with, and to issue instructions to the Shanghai customs taotai to investigate the matter and to prohibit the formation of any company whatever for the purpose of manufacturing cotton yarn with machinery, so as not to undermine the foundation of the cloth company, to the end that it may gradually attain success; and we shall feel our most sincere gratitude for your excellency's assistance. Whether such a course should be adopted or not, we humbly await your excellency's instructions."

With reference to this matter laid before me, namely, that pertaining to the establishment of a factory to manufacture cotton cloth with machinery, the viceroy, Li, had already memorialized and received a decree from the throne granting to Chinese merchants the privilege to start such a company and issue shares, forbidding the establishment of other companies for a similar purpose within the space of ten years. All processes, from extracting the cotton seeds and spinning yarn to weaving cloth, are a series of one and the same kind of work.

From the above petition it appears that some persons have organized a yarn company within the limits of the Shanghai settlement under the name of a foreigner, likewise intending to use native cotton for its manufacture, thereby unlawfully copying the new plan of the cloth company, by which means they will rob its interests, infringe upon its rights, and cause great detriment to its welfare.

The petitioners are hereby instructed to wait an investigation of the Shanghai customs taotai into the case, and the necessary prohibition issued, and to wait also the instructions of the southern minister superintendent of trade to the said taotai in regard to the matter.

The intendant is instructed to act accordingly and report.

[Inclosure 7 in No. 43.]

Mr. Wetmore to Mr. Young.

SHANGHAI, *September* 13, 1882.

MY DEAR SIR: I have communicated with Mr. Cheshire officially and asked him to address you (which I believe he does by this conveyance) with reference to interference on the part of the Chinese authorities at this port with a company which I have organized for the purpose of manufacturing cotton yarn here from the native fiber.

Mr. Cheshire, I believe, sends you copies of the letters which I have addressed to him on the subject, to which I would ask your reference for details of the case, and will only add a few remarks now which, perhaps, may throw further light upon the matter.

Before taking any steps for the formation of my company I consulted fully on the proposed enterprise with Mr. Denny, and was assured by him there was no reason within his knowledge why I should not undertake and carry it out. He mentioned to me casually that some years since a company was formed for the purpose of making cotton cloth, but he was not aware that any actual progress had been made by them; he further informed me he had seen their agreement, but made no mention of any exclusive privileges, which he surely would have done had any such been brought to his notice then or at any other time.

The day before he left, having found a site just outside the settlement which would be more suitable for my purpose than any other, I wrote to ask Mr. Denny if there could be any objection raised to the site, this being the only point on which it occurred to me that any question could arise, and in reply he wrote me:

AUGUST 21.

DEAR MR. WETMORE: In reply to your inquiry of to-day, I have to say that in my judgment there can be no valid reason urged against the erection of cotton yarn mills on the site proposed by you.

Sincerely yours,

O. N. DENNY.

P. S.—I should like to write you fully, giving my reasons, &c., if I have the time.

D.

I therefore proceeded to make my arrangements for the formation of a company, and associated with me as director Mr. P. V. Grant, the head of the large engineering firm of Boyd & Co.

We proceeded to raise funds, as usual in the formation of public companies, by the issue and sale of shares, and had the shares all applied for and more than two-thirds of the first call paid up, when all further progress was arrested by the most unexpected appearance in the Shen Pao of an article to the effect that our company was an infringement of a monopoly granted to another company, and warning people not to take shares therein.

This apparently unauthorized intimation has since developed into what appears to be a formidable attack on the company which I have started, and whether the object is to suppress this particular company, or is a blow aimed at all similar organizations, I do not know.

The parties implicated have engaged the services of the three most eminent legal firms here—in fact three out of the four in Shanghai—and are apparently prepared to fight their cause with all the weapons at their command, whether fair or foul. Thus far they have made use chiefly of the latter only, and in addition to the notice in the paper above referred to, the taotai has addressed three of the principal shareholders by way of intimidation. As neither I nor those connected with me have done or contemplated doing anything that we have not, according to the best of my belief, a perfect right to undertake, and as I do not purpose to persist in any action which, on careful consideration by the authorities of the United States Government, it is decided I am not entitled to take, I have in the mean time to ask that you will kindly investigate the questions at issue as soon as it can conveniently be done, and in the mean time secure me and those interested with me from all illegal and improper interference. I have taken no legal advice or opinion on the subject, as it appears to me the questions involved are such as cannot be settled here, but must be referred to the consideration of yourself and the high Chinese authorities at Peking. If necessary I shall be prepared to go on to Peking, but the questions at issue can be settled without the necessity for my doing so.

Should the parties who are opposing us raise any questions as to the rights of foreigners to engage in manufacturing enterprises at Shanghai, of course, the interests of all the nationalities having treaties with China will be involved.

With many apologies for the trouble I am giving,

I remain, &c.,

W. S. WETMORE.

[Inclosure 8 in No. 43.]

Mr. Wetmore to Mr. Young.

SHANGHAI, *September* 18, 1882.

MY DEAR SIR: Referring to my letter of the 18th instant, in regard to the cotton-yarn manufacturing company which I have organized at this place, I must apologize for further troubling you in the matter, and trust the deep interest I have in the success of the undertaking will be considered a good reason for so doing. The status of the persons or company which have opposed me, and their authority for doing so are, according to the best information I can command, exceedingly questionable. I am informed on good authority that a quasi monopoly, or some exclusive privilege for making cotton cloth, was granted, about five years ago, to a Chinaman named Peng. He formed a company, which, however, broke up before its organization was fairly completed. Some time after, another company was organized which, it is said, acquired from Peng his *license*, but I am informed that the transaction was not strictly regular; that is, the license was a personal one and not transferable, at least without the sanction of the authority originally granting it. However this may be, and even admitting the right of the Chinese Government to grant monopolies, excluding others from participating in the trade or business affected, I contend:

First. That public notice of such grant should have been given to prevent other

persons from embarking in such enterprises and perhaps suffering great pecuniary loss thereby.

Second. As I have before stated, that the exclusive right to make cloth could not confer, without express language to that effect being used, the exclusive right also to make *cotton yarn* any more than the right to gin cotton or pass it through any other preliminary process. This view is generally taken here among the Chinese, and I have heard of expressions of opinion among those who are supposed to know something of the views prevailing among the high Chinese officials at Peking, that my position in the matter is so strong that I cannot be interfered with, and that though a little patience may be necessary to convince the authorities at the capital that I am really in earnest persistence in asking for what I believe to be my rights, I will eventually induce them to accord me justice in the premises. Even should they eventually decide to restrict enterprise in the way of manufactures generally, they cannot, it appears to me, interfere with undertakings which, like mine, have been entered upon in good faith and without notice that they were interfering with the rights of others in the same direction. I am informed, however, that some show of opposition is likely to be made at first to my claims, as some of the subordinate local mandarins here, and perhaps at the north, have rather committed themselves in favor of those who are opposing me, but that the merits of my case are so clear that any resistance which may be made will be comparatively feeble. Trusting I may not be imposing any trouble of magnitude upon you,

I remain, &c.,

W. S. WETMORE.

[Inclosure 9 in No. 43.—Extract.]

Mr. Cheshire to Mr. Young.

SHANGHAI, *September* 23, 1882.

SIR: Referring to my dispatch of September 12, in regard to the opposition made by the Shanghai Cotton Mill Company to the Cotton Yarn Company, established by Mr. Wetmore, I think it well to lay before your excellency certain facts which you may think of enough importance to bring them before the Tsung-li yamên, as I am led to understand they have been kept secret, and as much as possible from the knowledge of the high officials.

Li Hung Chang, some five years ago, granted a concession to a Chinese official, a taotai by rank, named Peng-chi-chih, to start a cotton-mill company, giving him the exclusive privilege of manufacturing cotton cloth at Shanghai, so far as Chinese were concerned.

Nothing was done except to waste money on land and erecting the foundation walls of the proposed factory, when the company came to grief, and Peng became involved in financial difficulties.

About two years ago the present cotton mill (which is opposed to Mr. Wetmore's company) was established, * * * Mr. Cheng-tao-chai being the principal man. Peng transferred his grant or concession to the new company, but whether it was done with the consent of Li Hung Chang I am unable to say. I may say, however, that the land and foundation walls erected by the first company were sold to Cheng-tao-chai about a year ago for 60,000 taels, and the property put in the name of an American (Mr. R. M. Brown), and registered in the land office of this consulate-general. After the transfer had been made Mr. Brown * * * endeavored to dispose of it by lottery. A few tickets were sold, but as the Chinese authorities here are opposed to lotteries of all kinds, the taotai, on learning that the property of the cotton-mill company was to be disposed of in that way, addressed a letter to Mr. Consul-General Denny, requesting him to instruct Mr. Brown to close the lottery, which was done.

I do not think his excellency Li Hung Chang is aware of this fact, and in view of the position which the present cotton-mill company have assumed, your excellency may think it advisable to bring this matter to his notice.

I understand that the cotton-mill company have only one-third of the capital subscribed; that the Chinese have no confidence in it, and are strongly opposed to the action taken by the manager against Mr. Wetmore's yarn company; that the promoters have taken no active management beyond sending a man (Mr. Danforth, an American) home to try to get machinery; that they have bought no land for a site, nor taken any active steps to carry out the object of the association.

I am, &c.,

F. D. CHESHIRE,
Vice-Consul-General, in charge.

[Inclosure 10 in No. 43.]

Mr. Young to Prince Kung.

OCTOBER 13, 1882.

YOUR IMPERIAL HIGHNESS: I have the honor to inform your imperial highness that I am in receipt of a communication from the vice-consul-general of the United States at Shanghai, setting forth the following facts in a case which it appears to be my duty to bring to your notice:

Some months since certain Americans and other foreigners established a company at Shanghai for the manufacture of cotton yarn. A large amount of capital was subscribed for the purchase of the requisite machinery and other requirements, when suddenly, just as the company was ready to begin operations, an apparently official notice appeared in a Shanghai Chinese newspaper, forbidding the organization of the company on the ground that a monopoly had been granted for this kind of work by his excellency the northern superintendent of trade, to a Chinese company.

The vice-consul-general at once brought the matter to the notice of the intendant of customs, who not only confirmed the notice which had appeared in the newspaper, but informed Mr. Cheshire that he had issued orders to certain Chinese who had invested their money in the company, prohibiting them from having anything to do with it. After repeated and unsuccessful efforts to induce the taotai to reconsider his action, the vice-consul-general has sought my intervention in the business.

After careful consideration of the facts in this case, I am forced to the conviction that the course taken by the customs intendant at Shanghai is not only contrary to a sound policy, but is also a plain violation of the rights secured to foreigners under the existing treaties with China.

Under the provisions of the French, Belgian, and other treaties, foreigners are expressly permitted to pursue their various avocations at all the ports open to foreign trade without hindrance or interference from the Chinese authorities. Merchants, artisans, professional men, and laborers are all free, each to follow his own vocation as though he were in his native land.

The meaning of this provision is clear beyond possibility of doubt, and it only need be referred to to prove the intendant of customs at Shanghai, in his action in the case under review, has violated a plain promise made in the treaties between your imperial highness and foreign powers.

But it is claimed that the action taken by your officer was based upon the assumption that the new company would interfere with a monopoly granted by the northern superintendent of foreign trade to a Chinese company already formed at Shanghai.

In answer to this assumption, I need only call the attention of your imperial highness to the universally recognized principle of international law, with which your imperial highness is doubtless entirely familiar, that treaties form the supreme law of the land in each of the two countries between which they are concluded, and that neither local regulations, nor even regulations of the supreme authority itself, can be allowed to curtail or contravene the privileges secured by them. Under this principle the monopoly referred to is void and of no effect, as it interferes with the treaty provisions mentioned above.

As your imperial highness is aware, a very large number of Chinese have established themselves in all parts of the United States in all kinds of manufacturing and mercantile pursuits, from which they have secured to themselves large profits. This has been done without interference or molestation on the part of either the local or general officers of my Government. Your imperial highness will assuredly be ready to grant to our people at the open ports in China the same privileges and opportunities which are freely accorded to Chinese subjects in all parts of the United States, and to which the people of either nation have under the treaties a perfect right.

I beg to call the early and serious attention of your imperial highness to this subject, with the hope that you will cause such orders to be sent to your subordinate at Shanghai as will prevent further interference on his part with the operations of the company referred to.

I have, &c.,

JNO. RUSSELL YOUNG.

No. 68.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 64.] LEGATION OF THE UNITED STATES,
Peking, November 28, 1882. (Received January 15, 1883.)

SIR: I submit to the Department a series of inclosures in reference to a question of great interest now in discussion with the imperial cabinet.

On the 20th of October, the legation received a letter from Messrs. Russell & Co., of Shanghai, which is herewith inclosed, asking from the imperial cabinet permission for a company of foreign merchants doing business in China to lay a submarine cable between Shanghai and the ports of Foo-Chow, Amoy, and Swatow, terminating at Hong-Kong. The offer of the company was couched in the most liberal spirit, with a full recognition by the promoters of the sovereignty of China.

To this I responded that I would submit the proposition to the Department, but that in the mean time the enterprise commended itself to the judgment of the legation, as calculated to advance the best interests of the Chinese and the foreign residents, and that I would be glad to unite with my colleagues in any representation to the Tsung-li yamên "that would secure the desired concessions," feeling assured that my action would meet the approval of the Department.

Applications of the same nature were made to other legations here by German, British, and French houses in Shanghai.

On the 23d of October I met my colleagues, Mr. Von Brandt, the German minister, Mr. Bourée, the minister of the French Republic, and Mr. Grosvenor, the chargé d'affaires of the British legation. We discussed the matter at length, and agreed that the request was one which our respective legations should support. It was further determined that we should each send a note identical in terms to the yamên, asking imperial permission to lay the proposed cable.

In pursuance of this agreement, on the 24th of October I addressed his imperial highness Prince Kung a note, which is inclosed. In this it was pointed out that the present submarine-cable service was irregular and imperfect, to the detriment of business interests, and that the necessity for another cable had been made apparent by many losses and inconveniences on the part of our mercantile houses. I assured his imperial highness that the company proposed to do its work in good faith, and called special attention to the promise of its projectors to undertake no extension of their line without the "approval and sanction of the Chinese authorities and with due regard to the rights and interests of private persons." I ventured to dwell also upon the many advantages that would accrue to the Chinese Government and people from the establishment of an independent line.

To this note his imperial highness, on the 31st of October, responded in a dispatch, which is inclosed. In this dispatch his imperial highness referred to the communications made to the cabinet by my predecessor, Mr. Angell, upon the grant of a telegraph monopoly to a Danish corporation known as the Great Northern Telegraph Company, by the grand secretary, Li Hung Chang. His imperial highness regarded that grant as valid, and contended that the grand secretary, in approving it, was initiating a policy which followed the precedents of France and Russia, and so informed Mr. Angell.

After the departure of Mr. Angell, Mr. Holcombe, acting as minister, again brought the question before the yamên. He was informed, in the words of the prince, that "whenever an American company desired to lay a telegraphic cable from Japan to China, satisfactory arrangements would most positively be made for them to do so." At the same time the prince said that his excellency Li, in making his contract with the Great Northern Company, was "following a mode of procedure adopted by the western powers." To assent, therefore, to the present proposition would, in the opinion of his imperial highness, not only conflict with the grant already made with Li, but would not be in accord with "the policy hitherto adopted in such matters by western powers." The prince further added, in reference to the complaints as to the irregularity of the present submarine-cable service, that orders would be sent to Li to insist upon the lines being kept in good working order.

In this connection I would call your attention to a petition of the Great Northern Company, a translation from the Chinese text of which I inclose. This document will show the strange and inexplicable nature of the contract into which the Chinese Government was induced to enter.

The legation, on the 14th of November, in replying to the note of Prince Kung, entered at length upon the considerations suggested by this petition. The dispatch will show the Department the objection to any such concession as that granted to the Danish company, objections which concern the sovereignty and independence of China even more than the mere material interests of foreign capitalists seeking new enterprises as means of gain. There can be no reasonable doubt but that the Danish company profited by the inexperience of Chinese officials to lead the Chinese Government into covenants which no western Government would allow, covenants the nature of which must in time become apparent to the Chinese themselves, and probably be regarded to our detriment as another evidence of the unjust and grasping spirit of the western world in dealing with the Oriental people. If there were no American interests, therefore, to represent and defend, consideration for the best interests of China would alone justify the legation in the arguments so earnestly pressed upon Prince Kung.

By this contract the Government grants the Danish company for twenty years a monopoly of all the submarine cables already landed in China, during which time the government engages itself not to allow any cable whatever unless with the consent of the company. During this period the Government will not permit the construction of any land lines that may be in opposition to the submarine cables. Thus a concession for a submarine line is so worded as to put the whole land-telegraph system of this vast Empire at the mercy of a private corporation. Future telegraphs in China are to be controlled by the company, to the exclusion not only of the Government's sovereign rights, but of all other foreign interests.

This concession, as the legation points out to Prince Kung, is a virtual surrender on the part of China of an essential element of sovereignty, namely, the control of its telegraph. If the Government chose to build its own lines, as in France and England and other countries, making them a part of the postal system, there could be no objection, and it would be our duty to recognize this as a step towards that progress in western civilization, the advancement of which is the aim of all who wish well to China. If private companies, no matter of what nationality, were to build lines in competition, we could make no objection, only advising our countrymen to take their chance with the others,

knowing that success or failure would follow the laws of business enterprise and not be affected by diplomacy. If the Government declared it would only grant permission to build telegraphs to its own subjects, we might advance objections, but strong reasons could be given in favor of such a policy. The Government, however, * * * gives absolute control of its telegraph system to an alien, irresponsible corporation, exacting no guarantees for the performance of its pledges, and asking no assurance that it will in any way extend the system so as to confer upon the Empire the benefits of the telegraph. Practically, the whole question of the future of telegraphs in China, so important to the welfare and development of the Empire, is surrendered by the Government for twenty years.

The return for this is a privilege so paltry as to be unworthy of consideration. My hope is that the arguments thus presented will convince the Chinese Government of the blunders they have committed; blunders which, as shrewd men, the members of the cabinet concerned for the interests of their Empire will not fail to see. To that end I repeated my request that "an American firm be allowed to land a cable at Shanghai, Foo-Chow, Amoy, and Swatow, or, if from political or military reasons the Chinese Government should prefer to see a land line established, to grant permission to lay such a line to the petitioners."

In making this request the Department will observe that the legation is acting with the ministers of England, Germany, and France, the company which Russell & Co. represent having English, French, and German merchants in its direction. In our conferences upon this subject, and especially as to the best means of convincing the cabinet of the impropriety of granting monopolies like that given to the Danish company, there has been the utmost harmony and a general agreement as to the justice and moderation of our own demand.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 64.]

Messrs. Russell & Co. to Mr. Young.

SHANGHAI, *October* 12, 1882.

SIR: We are requested to ask the favor of your exerting your influence with the Tsung-li yamên to obtain for an association of merchants here permission to lay a submarine telegraph cable between Shanghai and the ports of Amoy, Foo-Chow and Swatow, and terminating at Hong-Kong.

If this permission be granted it is the intention of those who are interesting themselves in the project to invite the co-operation of Chinese merchants and others here, and at the different stations on the proposed line.

The telegraphic service on the coast of China and between this port and Hong-Kong has long been unsatisfactory. The one existing cable has been subject to interruptions in its working for several years past, but during the last few months these interruptions have been so frequent and so prolonged that the necessity for a new and independent line forces itself still more and more upon communities at the ports named.

There is good reason to believe that if permission to land the cable at those of the open ports on the coast which we have indicated is obtained from the imperial Government, the capital required will be subscribed among this, the foreign and Chinese communities.

The undertaking is purely of a commercial character, and originates among merchants who find great inconvenience and loss arise from the many interruptions which occur on the present line, and who desire also to have the advantage of a more extended system of inter-port communication.

If permission be granted to land cables at certain points on the coast near to the ports we have mentioned, the company will, if further permitted, construct land lines connecting these with their offices. In doing so every care will be taken to carry out the necessary works with the approbation of the local officials and with due regard to the rights of the people.

We beg to mention that letters of a similar tenor to this have been addressed by Messrs. Alfred Dent & Co. to the British chargé d'affaires, by Messrs. Siemssen & Co., to the minister for the German Empire, and by Messrs. Ulysse Pila & Co., to the minister for France at Peking, and we trust that you may be able to co-operate with their excellencies in obtaining the desired permission.

We have, &c.,

RUSSELL & CO.

[Inclosure 2 in No. 64.]

Mr. Young to Messrs. Russell & Co.

PEKING, *October* 21, 1882.

GENTLEMEN: I have the honor to acknowledge your letter of the 12th instant, in which you ask the legation to obtain from the Tsung-li yamên permission for an association of merchants to lay a submarine telegraph cable between Shanghai and the ports of Foo-Chow, Amoy, and Swatow, terminating at Hong-Kong. You inform me that it is the desire of yourselves and your associates to "invite the co operation of Chinese merchants and others in Shanghai, and at the different stations on the line." It is, furthermore, your intention to use every care to "carry out the necessary works with the approbation of the local officials, and with due regard to the rights of the people." You say, in conclusion, that other mercantile houses in Shanghai have addressed my French, German, and English colleagues, asking them to make an application of the same tenor to the Tsung-li yamên, and express the hope that I "may be able to co-operate with their excellencies in obtaining the desired permission."

I shall submit your proposition to the Department of State. In the mean time your enterprise meets with my hearty approval, as one that will be a benefit alike to the Chinese and the foreign residents. I shall be glad to unite with my colleagues in any representation to the Tsung-li yamên that may secure the desired concession, feeling assured that my action will meet the approval of the Government.

I am, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 3 in No. 64.]

Mr. Young to Prince Kung.

PEKING, *October* 24, 1882.

The undersigned has the honor to bring to the knowledge of his imperial highness Prince Kung and their excellencies the ministers of the Tsung-li yamên that the following request, to be laid before the yamên, has been addressed to him by an American firm at Shanghai, acting on behalf of a number of mercantile houses in China.

The telegraphic communication along the Chinese coast and between Hong-Kong and Shanghai having been irregular for a considerable time, in consequence of frequent accidents happening to the single cable existing between these places, great inconveniences and losses have been thus caused to the mercantile communities in China. During the last few months the interruptions of the telegraphic service have become so frequent that the necessity of another independent cable being laid has made itself more and more felt.

A company formed by merchants of all nationalities is willing and desirous to undertake the work of laying a cable between Shanghai, Foo-Chow, Amoy, Swatow, and Hong-Kong, and, the permission of the imperial Chinese Government once obtained, to invite Chinese merchants residing at the above-mentioned places to join them in the undertaking.

The ends which the company have in view being purely commercial ones, it would aim less at pecuniary advantages than to do away with the existing disadvantages of the present system and others which are likely to arise from it in future.

If the company should obtain permission to land the cable in the neighborhood of the above-named places, it promises that, where it shall be necessary, to join the cable by a land line to the offices of the company in those places, such work shall be undertaken only with the approval and sanction of the Chinese authorities and with due regard to the rights and the interests of private persons.

While bringing this request for the permission of laying a cable between Shanghai, Foo-Chow, Amoy, Swatow and Hong-Kong to the knowledge of the Tsung-li yamên, and recommending it most warmly to the favorable consideration of the Chinese Government, the undersigned begs to draw the attention of his imperial highness Prince Kung, and their excellencies the ministers of the yamên, to the many advantages which must result to the Chinese Government and people from the establishment of an independent telegraphic communication between Shanghai and Hong-Kong and the intervening ports by a company composed of Chinese merchants and foreign merchants residing in China, having its seat in China and offering to the Chinese Government all the political, financial, and commercial guarantees which these facts must carry with them.

A request similar to the one now laid before the Tsung-li yamên has been addressed by mercantile houses of other nationalities to the representatives of Great Britain, France and Germany, and will be brought to the knowledge of the yamên at the same time as the one contained in this note; but all these requests refer to one company only, and to one cable to be laid.

While hoping for an early favorable reply from his imperial highness and their excellencies, the undersigned profits, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 4 in No. 64.]

Prince Kung to Mr. Young.

PEKING, *October* 31, 1882.

YOUR EXCELLENCY: In June of last year Minister Angell came to this yamên and stated that the Danish Great Northern Telegraph Company had secured from the grand secretary, Li, a monopoly for the laying of sea cables for a period of twenty years. This yamên maintained that his excellency Li, in initiating this policy and entering into an agreement for a term of years, was following a precedent established by the two Governments of Russia and France, and so replied to Minister Angell. Thereafter he came to this yamên repeatedly to discuss the question, and more than one communication passed between us on it.

After Minister Angell returned to the United States, Mr. Holcombe, then chargé d'affaires, addressed a dispatch to me inquiring whether the agreement concluded between his excellency Li and the Great Northern Telegraph Company had been confirmed by the throne. In response he was informed that whenever an American company desired to lay a telegraph cable from Japan to China, satisfactory arrangements would most positively be made for them to do so, and that the agreement referred to was a petition prepared by the Great Northern Telegraph Company, submitting certain propositions to his excellency, Li, which had been approved by him.

I am now in receipt of a communication from your excellency, setting forth a request made to you by certain American merchants resident at Shanghai, acting on behalf of a number of mercantile houses at the various ports in China. The substance of their request is that the telegraphic communication along the Chinese coast and between Shanghai and Hong-Kong having been very irregular in the past because of frequent accidents to the single existing cable, a company formed by merchants of all nationalities is willing and desirous to lay a cable between Shanghai, Foo-Chow, Amoy, Swatow and Hong-Kong. If the permission of the Chinese Government can be obtained for this scheme, Chinese merchants residing at the several ports will be invited to join in the undertaking. Whenever it shall be necessary to join the cable by a land line to the offices of the company in these places, such work shall be undertaken only with the approval and sanction of the local authorities, &c.

Your excellency calls my attention to the many advantages which would result to China from the construction of such a cable by Chinese and foreign merchants residing in China, and offering political, financial, and commercial guarantees. And you express the hope that I will give the request careful consideration, and favor your excellency with an early response, &c., &c.

It appears that the public policy of the various western powers in the construction of railroads, telegraphs, and similar works, has in the past been determined by each Government for itself. In some the Government has initiated such enterprises itself. In others they have been intrusted to public companies. Last year his excellency Li, in the construction, with the Great Northern Telegraph Company, of a Chinese telegraph line, simply followed a mode of procedure adopted by the western powers. And further, the Great Northern Telegraph Company has a monopoly for thirty years with Russia, and one for twenty-five years with France. These are all on record. But in this case of the construction of telegraph lines by China, his excellency Li only granted to the Great Northern Telegraph Company a monopoly for twenty years.

And now foreign merchants of various nationalities desire, in addition to the existing Chinese telegraph line, to lay another cable from Shanghai via Foo-Chow, Amoy and Swatow to Hong-Kong. This would not only conflict with the agreement entered into between his excellency Li and the Great Northern Telegraph Company, but I fear it would also not be in accord with the policy hitherto adopted in such matters by western powers, and hence I find it difficult to agree to the proposition.

With regard to what is said about the frequent accidents happening to the Chinese line, &c., such things cannot certainly be allowed. Instructions must be sent by this yamên to his excellency Li to most positively direct the Great Northern Telegraph Company to see to it that the various telegraph lines within the domains of China are constantly kept in a condition for service; that no interruptions must be allowed, and that certainly constant increase in the tariff of charges will not be permitted, as all these result in loss and inconvenience to the Chinese and foreign public. And I beg, in conclusion, to inform your excellency that in consequence of the receipt of your note instructions as above have been sent to his excellency Li.

[Inclosure 5 in No. 64.]

Petition of the Danish Great Northern Telegraph Company, asking the approval of the six following articles of agreement in regard to the construction of telegraph lines in China.

[Approved by his excellency Li Hung Chang, &c., upon the twelfth day of the moon in the following indorsement: "The plan proposed in the petition is approved, and will hereafter, by the necessary instructions, be carried into effect. Of the two foreign copies, let one be sealed and returned to the petitioners, and the other placed on record."]

The petition of the Danish Great Northern Telegraph Company to his excellency the northern superintendent of foreign trade respectfully submits that some definite preliminary understanding should be reached in regard to the interests which affect in common the telegraph lines constructed by China and those of the above-mentioned company. They therefore submit six articles for which they pray the approval of His Imperial Majesty, that they may be carried into operation, to the end that this company may receive the benefits arising from the protection granted to it by the Government, and may not be deprived of such advantages as lie within the sovereignty of China. And this company begs leave in support of this petition to submit the following statement. Last year this company, at the orders of the foreign office and the northern and southern superintendents of trade, transmitted over the lines to Russia a sum total of about 10,000 words, and to other points about 6,000 words, making a total of 16,000 words sent. Messages were received amounting to about 8,000 words, making a total received and sent of, say, 24,000 words. The cost of transmission for this number of words amounted to $52,800. If the arrangement proposed in the fourth article had been in operation last year, China in her telegraphic correspondence with Russia would have expended only $7,500, and with other parts only $12,000, being a sum total of only $19,500. The expense of transmission on the lines of this company would have been remitted, and the Government would have saved a total of $33,300.

From this statement it is evident that, under the arrangement proposed of mutual concession, both parties to it will secure great advantages; and if the request of this company be granted the utmost care will in future be taken in all sincerity to protect the interests of China.

PROPOSED ARTICLES.

I. The Chinese Government guarantees to the Great Northern Telegraph Company an exclusive monopoly for their sea-cables already landed within Chinese territory. Should the company desire to land other cables in China, the consent of the Government of China must first be had.

For a period of twenty years, reckoned from the date of the ratification of this agreement, the Chinese Government will not permit other Governments or other companies to lay telegraph cables within its territory, nor, within the above-mentioned term of years, to land telegraph cables within the foreign concessions or Formosa.

II. Within the same period of twenty years the Chinese Government will not construct telegraph cables or land lines which will conflict with any of the lines of the Great Northern Telegraph Company. Between points where there will be no conflict with the lines of the Great Northern Telegraph Company the Chinese Government will build lines at its pleasure.

III. If, hereafter, the Chinese Government should establish additional telegraph lines the Great Northern Telegraph Company will be employed by the Government to construct them, provided their terms are lower than those of other parties.

IV. Messages of the Chinese foreign office, northern and southern superintendents of foreign trade, Chinese diplomatic agents and consuls-general abroad shall be sent free of charge by the Great Northern Telegraph Company over its lines in China, Japan and Europe, for a term of twenty years. Whenever such messages are intended for points not reached by the lines of the company they will be forwarded to their destination over the lines of other companies, and the Chinese Government will pay the charges levied by such other companies. But the Great Northern Telegraph Company will remit the charges on such messages only of the class specified as bear the official seal of the sender in evidence of their being genuine.

V. The Great Northern Telegraph Company's line connecting at Hong-Kong with European lines is called the "southern line." That via Japan, connecting with the Russian system, is called the "northern line." After the completion of the Chinese telegraph line all messages sent by Chinese and foreign residents in China to foreign parts and delivered by the Chinese telegraph line to the Great Northern Telegraph Company for transmission, unless such messages are indorsed to be forwarded by the "southern line," will be sent by the "northern line" as being more speedy.

VI. Hereafter in cases of dispute the Chinese text of this version shall be accepted as authoritative.

June, 1881.

Kuang sü, seventh year, fifth moon.

Signed by ——— Henningsen, for the Great Northern Telegraph Company.

[Inclosure 6 in No. 64.—Informal.]

Mr. Young to Prince Kung.

NOVEMBER 14, 1882.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's letter of the 31st ultimo, being an answer to my letter of the 24th of the same month, in which I laid before your imperial highness the request of an American firm at Shanghai, acting on behalf of a number of mercantile houses in China, to be allowed to lay a telegraph cable from Shanghai via Foo-Chow, Amoy and Swatow to Hong-Kong.

Your imperial highness refers in the preamble of your letter to certain conversations and correspondence which Minister Angell and Chargé d'Affaires Holcombe had with your imperial highness last year on the subject of a rumored grant of a monopoly to the Great Northern Telegraph Company, and you remind me that in that correspondence you informed this legation that his excellency Li, in initiating this policy and entering into an agreement for a term of years, was following a precedent established by Russia and France.

Your imperial highness further points out that this legation was informed that whenever an American company desired to lay a cable from Japan to China satisfactory arrangements would be made for them to do so, and that the agreement referred to was a petition prepared by the Great Northern Telegraph Company, submitting certain propositions to his excellency Li, which had been approved by him. But your imperial highness omits to add that you informed this legation that these propositions had not been submitted to His Imperial Majesty, and consequently had not been approved by him. From this declaration Mr. Holcombe, then in charge of this legation, drew the natural and, indeed, necessary inference that the proposed monopoly was void and of no effect, and hence he did not lay before your imperial highness further and more positive declarations as to the light in which my Government would view the granting of the proposed monopoly which he was instructed to place before you, and which it may become my duty to submit to your imperial highness.

As the foreign office has but recently again informed this legation, in a verbal communication with Mr. Holcombe, that the petition of the Great Northern Telegraph Company has still not been laid before the throne nor approved by it, I feel bound to express the earnest hope that your imperial highness will find no difficulty in recommending to His Imperial Majesty that the petition of the company should be put aside, and the injurious effects removed which an approval or upholding of it would have upon the interests of China herself and her relations with other powers.

The request which I thus address to your imperial highness is not based upon any wish to injure the legitimate ends and interests of the Great Northern Company, to which I wish every success which it may be able to obtain in fair competition with other companies or individuals, but is dictated solely by the necessity of frustrating the unwarrantable attempt of the company to obtain a monopoly which is contrary

to the spirit of the international engagements entered into by the Chinese Government and the often repeated assurances of your imperial highness that all foreigners were to be treated alike in China, as well as injurious to the political, military and commercial interests of China herself.

That such is really the case and that the arrangement proposed by the Great Northern Company in its petition is in no way the same as similar arrangements concluded by other powers, but that it is an unscrupulous attempt of the company to profit by the inexperience of the Chinese officials and obtain from or through them such advantages as would never be granted by any other Government, I shall now proceed to prove by taking, point for point, the arguments put forward in your imperial highness's letter of October 31, and which I believe may fairly be considered to represent the arguments of the advocates of the arrangement proposed by the company.

These points are:

1. That, according to the public law of Europe, the right to regulate the railway and telegraphic intercourse belonged to the Government of each country.

2. That the arrangement proposed by the company to his excellency Li was the same as the arrangements usually made under similar circumstances by European Governments, and even less favorable to the company than those concluded by them with France and Russia.

3. That it was at a moment when telegraphic communication had to be established for China that his excellency Li approved of a monopoly to the company, but only for twenty years.

With regard to the first point, the right of the Chinese Government to regulate its own policy in railway and telegraphic questions, it seems to me that the fact that I transmitted the petition of an American firm to your imperial highness indicates clearly enough that I recognize this right of the Chinese Government. Your imperial highness will, however, have to bear in mind that even the most indisputable right must be exercised with a certain caution and with due regard to the rights and interests of other parties.

The Chinese Government has the undoubted right to shape its own course in the question of telegraphic intercourse, but the grant of a monopoly for the whole Empire to a single company and the exclusion of all other companies and individuals from this line of industrial enterprise is certainly an unfriendly act, and will be viewed in that light by all foreign Governments whose subjects and interests suffer under the exclusion pronounced against them by the Chinese Government.

Your imperial highness states further that the arrangement proposed by the Great Northern Company to his excellency Li is the same as those concluded by the Great Northern Company with other Governments. This I must contradict most positively.

The arrangement between Russia and the company was entered into by the Russian Government because it wanted to obtain telegraphic communication between its possessions on the Pacific and China and Japan. Not wishing to disburse the heavy outlay which the construction of such a line would necessitate, the Russian Government accepted the offer of the Great Northern Company to construct it at their own expense and risk, and in order to compensate them for this work, which was of the utmost importance to the Russian possessions on the Pacific, the Russian Government granted to the company for thirty years the exclusive right of landing a cable on the shore of its possessions on the Pacific coast, a nearly uninhabited country, with a few towns, with hardly 10,000 inhabitants, and possessing neither industry nor commerce. The value of this concession for the company lies, it is true, in the fact that they can join their cable to the Russian land line from the Pacific coast through Siberia to Europe, but the Russian Government profited itself largely by the fact that this part of the telegraphic communication between Europe and Eastern Asia was gained for the Russian line. With the single exception of the Pacific coast, however, that is to say, of a small part of the Russian dominions, no concession to the exclusion of others was granted to the company. Can this be compared with the action of China, which excludes all competition and enterprise from its whole seashore, teeming with towns counting their inhabitants by millions, as well as from the interior of the Empire, and all for no advantage whatever save a doubtful economy of a few thousand dollars!

And again, the contract between France and the company.

Telegraphic communications between France on the one side and Denmark, Sweden and Russia on the other, had existed for a long time, but they all led through neighboring countries, and, in case of political difficulties, were likely to be interrupted, and so to cause serious embarrassments to the Government as well as to private individuals. Under these circumstances it was quite natural that the French Government should seek to establish new lines of communication with the northern countries, and so save herself from the danger of being cut off from them. To obtain this end, a concession was granted to the Great Northern Company for the construction of a single line from either Calais or Dunkerque to Denmark, Sweden and Russia. But no monopoly was granted to the company for the remainder of the French coasts or dominions, nor for her communications with other countries.

But, says your imperial highness's letter, the concession to the company was granted when telegraphic communication had to be established for the Chinese Government.

To this statement I beg to demur most emphatically.

The contract between the China Telegraph Company, acting under the auspices and the orders of his excellency Li Hung Chang, and the Great Northern Company, referring to the construction of a telegraph line from Tien-Tsin to Shanghai, was signed on December 22, 1880. By it the Great Northern Company engaged itself to furnish a certain quantity of material and a certain number of engineers for the China Telegraph Company at certain prices and salaries and within and for a certain given time. The material had to be delivered in China by May 15, 1881, and for the work entailed thus upon the Great Northern Company a commission of 10 per cent. on the total value of the material, *i. e.*, 3,932 taels, was given to it. The engineers to be employed in the construction of the line were to be paid certain salaries fixed in the agreement. There was so little thought then of a concession to be granted to the Great Northern Company, in order to induce it to accept these proposals, that, on the contrary, Article 4 of the agreement contains the following stipulation:

"For the maintenance of friendship, the China Telegraph Company hereby promises that should a separate sea cable be established at Shanghai, they will give their business to the Great Northern Telegraph Company, providing their rates be the same as those of the other company."

The so-called arrangement between his excellency Li Hung Chang and the Great Northern Telegraph Company was concluded on the 8th of June, 1881; that is to say, six months after the conclusion of the contract before mentioned, and after it had been executed already; it is therefore impossible to say that the Chinese Government was bound to make the concessions contained in the latter arrangement in order to secure the conclusion of the former. Even the petition of the Great Northern Company contains no argument to this effect.

Now, what are the concessions made to the Great Northern Company?

1. The Chinese Government grants the company exclusive monopoly for the submarine cables already landed on Chinese territory.

2. Within a period of twenty years the Chinese Government will not allow any other company or person to land cables in the entire Empire, including all foreign settlements and Formosa.

3. Within twenty years the Chinese Government will not construct or permit others to construct cables or land lines in opposition to any of the company's cables.

4. Preference in the construction of new telegraph lines by the Chinese Government will be given to the company.

5. All telegrams for foreign countries emanating from Chinese lines shall, unless directed otherwise by the sender, be forwarded over the company's cables to the Russian possessions on the Pacific coast and thence over the Russian land line.

And what are the obligations of the Great Northern Company in the face of these immense and unheard of concessions by which the Chinese Government, if they were ratified, would deprive itself of the right to extend its own telegraphic system and offend all friendly powers by excluding their subjects from a fair competition in an industrial enterprise?

"The Chinese foreign office and the two superintendents of trade for the southern and northern ports shall be entitled to exchange telegrams with the Chinese ministers and consuls-general residing abroad free of charges on the Great Northern Company's cables in China, Japan and Europe."

It is, therefore, as I had the honor to remark before, for the doubtful gain of a paltry sum of a few thousand dollars (the agent of the Great Northern Company in this petition fixed the pecuniary gain which the Chinese Government might have made in a year of unprecedented political activity at $33,300) that the Chinese Government, if it ratifies the arrangement with the Great Northern Telegraph Company, will barter away its own sovereign rights and the protection of its political, military and commercial interests.

But, might somebody remark, it was in order to gain the advantages accruing to China from the cable between Shanghai and Hong-Kong that the agreement was entered into with the Great Northern Company.

This view again could not be sustained by the fact.

It is by Articles 1 and 10 of the agreement concluded in October 11, 1869, between Russia on the one side and the Great Northern Company on the other, that the company bound themselves to lay a cable from the Russian possessions on the Pacific to Nagasaki, in Japan, and from there to Shanghai, Foo-Chow, and Hong-Kong. It was, therefore, not to serve the interests of China that the cable along its shores was laid, and no concession from China was necessary to maintain it there, as the company was bound to that course already by its engagements with Russia.

On the contrary, for many years the Chinese authorities objected most strongly to the landing of the cable of the company, and its being carried from the landing-place to the company's offices in the settlements; and even so late as the autumn of 1877, the

superintendent of the southern ports sent instructions to the local authorities at Shanghai to have the land line of the company between Wusung and Shanghai destroyed.

Your imperial highness having referred in your letter more than once to the usages and laws of Europe with regard to telegraphic conventions, and having compared the one attempted to be imposed by the Great Northern Telegraph Company on China with those in existence with other powers, I have seen myself obliged to enter into the above details with regard to the arrangement under discussion, and I can assure your imperial highness, as I believe you will have convinced yourself from the foregoing remarks, that no concession similar to the one claimed by the Great Northern Company has ever been conceded by any foreign Government, and that none similar would ever be conceded by any one.

It is not from a desire or the intention to meddle directly or indirectly with the internal administration of China that I address your imperial highness again on the subject, but from the firm conviction that it is in the interests of the Chinese Government themselves, as well as of the Chinese and foreign mercantile community, that the telegraphic communication between China and the outer world should not be intrusted to a single company. Where the erection of a land line or sea line through a company can be obtained only by the grant of a concession, the Chinese Government will be fully entitled to take such a course with regard to that line; but generally speaking, where more than one company are willing to run the risk of establishing lines at their own expense and without claiming any special advantages, it will be in the interests of every one to grant such request, as competition is certain to insure cheaper rates and better work, while it does away with the apprehension for the Government to see their lines of communication endangered by political complications or conflicts.

I have therefore the honor to place again before your imperial highness the request of an American firm at Shanghai to be allowed to land a cable at Shanghai, Foo-Chow, Amoy and Swatow, or if from political or military reasons the Chinese Government should prefer to see a land line established, to grant the permission to lay such a line to the petitioners, who, I have no doubt, will in either case be willing to give to the Chinese Government the same privileges on their land lines or sea lines which foreign Governments claim under similar circumstances, or which the Great Northern Company offers to the Chinese Government. viz, free passage over their lines for messages exchanged by the Tsung-li yamên and the two superintendents of the northern and southern ports with the Chinese minister and consuls-general residing abroad.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 7 in No. 64.]

Mr. Young to Messrs. Russell & Co.

PEKING, *November* 25, 1882.

GENTLEMEN: On October 21, I acknowledged your letter to the legation, dated October 18, proposing the formation of a new submarine cable company in conjunction with other foreign houses, and asking me to obtain the necessary permission so to do from the imperial authorities. I had a conference with the representatives of Germany, France and England, and we united in a dispatch to the yamên asking that your request be granted, which was presented on the 24th of October.

On the 31st of October Prince Kung replied, declining the required permission on the ground that a monopoly had been granted by the viceroy Li Hung Chang to the Great Northern Telegraph Company for the period of twenty years. His highness claimed that in doing so the Chinese cabinet had followed the example of western powers, notably Russia and France.

On the 14th of November the legation again addressed the yamên in a long dispatch, claiming that under our treaties such a monopoly was void, and also showing that the terms of the concession to the Great Northern Company were in the highest degree injurious to the best interests of China, and that no western Government would allow any private company a franchise so comprehensive, irresponsible and vast. We claimed that under the treaties the monopoly was void.

To this dispatch no answer has been received. My impression is that the subject has been referred to the viceroy at Tien-Tsin.

I write this to acquaint you with the state of the business intrusted to our care. I can express no opinion as to our success, although I am quite hopeful. The temper of high Chinese officials in some recent dealings with foreigners does not encourage us in hoping for much sympathy with western interests. But the discussions between

the yamên and the foreign legations cannot end without a recognition of our rights so complete and absolute that merchants like yourselves, in the legitimate pursuit of commerce and industry, and under the protection of treaties, will hereafter have no trouble.

I am, &c.,

JNO. RUSSELL YOUNG.

No. 69.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 69.] LEGATION OF THE UNITED STATES,
Peking, December 6, 1882. (Received January 23, 1883.)

SIR: In my dispatch No. 43, dated October 18, 1882, I had occasion to dwell at some length upon the case of Mr. Wetmore, an American merchant doing business in Shanghai, who complained to the legation that the Chinese authorities had interfered with his rights under the treaties. I have now the honor to report at length the further developments in this case, and to note with regret that it has assumed proportions of exceptional gravity.

The situation when I wrote my dispatch No. 43 was briefly as follows: Mr. Wetmore, a merchant, seeking honest means of gain and acting within his treaty rights, issued a prospectus asking subscriptions for shares in a proposed company for the manufacture of cotton yarn. In doing this he was following many precedents, as there was already in existence at Shanghai various forms of industry under foreign control, manufactories of acids, bricks, leather, flour, ironware, matches, silk and glass. These industries were protected by the treaties and recognized by the Chinese authorities. Mr. Wetmore, therefore, felt that he was acting not only within his rights, but in accordance with custom, when he proposed to add another source of wealth to the prosperity of Shanghai.

Although the Chinese imperial authorities had never assented to the rights of foreigners to manufacture in the open ports, there had been a tacit acquiescence, and their objections had never gone beyond discussions between the foreign office and the diplomatic representatives. To these discussions I shall refer later in giving the Department a summary of the history of this case.

After Mr. Wetmore's prospectus appeared, offering to the public shares in his company, there was published in a Chinese Shanghai newspaper an announcement to the effect that the proposed enterprise was illegal in this, that it was in contravention of a monopoly granted by the superintendent of northern trade, Li Hung Chang, to another company, composed of Chinese capitalists, for the manufacture of cotton cloth.

Mr. Wetmore's enterprise was intended to invite Chinese capital. At Shanghai and other open ports Chinese capitalists seek foreign investments with avidity. * * * The effect of the announcement in the Chinese paper was, therefore, to alarm the investors. As a consequence the notice interrupted the enterprise of Mr. Wetmore and brought it to a standstill after he had taken a great deal of trouble and spent much money. This publication was followed by an official announcement from the taotai of Shanghai to our vice-consul-general, in which the taotai recited at length his objections to the proposed company, and communicated a copy of an order from the superintendent of northern trade,

directing him to protest against its formation and use its power to prevent it.

Mr. Wetmore contended that, while the monopoly granted to the Chinese company was for the manufacture of cotton cloth, his company proposed to manufacture cotton yarn, and that there was as much difference between the two processes as between tanning leather and making shoes; consequently there was, as a matter of fact, no invasion of the Chinese monopoly. The legation, while admitting the force of this reasoning, felt that there was still greater force in the clear meaning of the treaty, a meaning that has been in dispute for some time with the Chinese Government.

I accordingly addressed a dispatch to his imperial highness Prince Kung, pointing out the injustice that had been done to Mr. Wetmore; that he was acting within his treaty rights, and that, even if a monopoly had been granted by the viceroy, such a monopoly could not be valid under the treaty, as a treaty was the supreme law of the land, a law that no vice-regal mandate could set aside. I ventured to remind the prince that a large number of his countrymen had established themselves in many parts of the United States, engaged in all kinds of manufacturing and mercantile pursuits, from which they had secured large profits; that this had been done under our laws, and what our Government had for years conceded to Chinese in all sections of the country his imperial highness could have no delicacy in conceding to Americans in the few open ports.

As the question at issue, namely, the construction of a treaty meaning as to rights of foreigners to manufacture, affected all foreigners in China, I submitted the question to the diplomatic body in Peking. The unanimous voice of my colleagues was that the Chinese authorities in Shanghai had taken an untenable position; that Mr. Wetmore was acting within the treaty, and that they would support any representation that might be made to the foreign office in his behalf.

The question was now between the representatives of the foreign Governments and the Chinese foreign office.

It may not be without interest to the Department that I should briefly give a history of the negotiations which preceded this incident, and which have from time to time been communicated to you by my predecessors.

On the 27th of June, 1858, at Tien-Tsin, the envoy of the French Emperor signed a convention with the Chinese ministers which in time had due and solemn ratification. Article VII of this convention was in these words:

Les Français et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à *l'industrie* en toute sécurité et sans entraves d'aucune espèce dans les ports et villes de l'Empire Chinois situés sur les côtes maritimes et sur les grands fleuves, dont l'énumération est contenue dans l'article précédent.

On the 2d of November, 1865, the envoy of the King of Belgium signed, at Peking, a convention with the imperial Government, which was also solemnly confirmed and accepted. Article XI of this treaty was as follows:

Les Belges et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à *l'industrie* en toute sécurité et sans entraves d'aucune espèce, dans les ports et villes de Canton, Swatow, Amoy, Foo-Chow, Ningpo, Shanghai, Nanking, Chinkiang, Kinkiang, et Hankow sur le fleuve Yangtze; Chefoo, Tien-Tsin, Niuchuang, Tamsin et Taiwanfoo dans l'île de Formosa; et Kiungchow dans l'île de Hainan.

The mandatory sentences in these covenants are, as you will observe, identical.

In Article XXX of the convention signed by my predecessor, Mr. Reed, at Tien-Tsin, on June 18, 1858, it is expressly conceded that a privilege granted to any nation, or the merchants or citizens of any nation, by the Ta Ching Empire, any "right, privilege, or favor, connected either with navigation, commerce, political, or other intercourse which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants and citizens." In Article VI of the convention signed at Washington on July 28, 1868, between my predecessor, Mr. Burlingame, acting as the envoy of His Majesty, and Mr. Seward, then Secretary of State, the same covenant is affirmed. Consequently American citizens are entitled to all privileges granted by the imperial Government to subjects of Belgium and citizens of France.

These treaties form the ground-work of the position taken by the legation and the foreign representatives. In the dispatch No. 212 of my predecessor, Mr. Angell,* he reports the result of certain conferences between the American and other legations, a reference to which will be instructive at this time as throwing light upon the points at issue. Mr. Angell reports that during the summer of 1881 the foreign office was disposed to an amicable construction of the treaties, one that the foreign powers could accept. Suddenly he writes: "The Chinese ministers came forward with so important and unacceptable modifications that the diplomatic body, at their meeting of July 11, 1881, were agreed that it was useless to prolong negotiations on such a basis."

This change of demeanor on the part of the Government may be dated as the inception of a policy which has been steadily resisted by the foreign powers, and which culminates in the unfortunate condition of affairs now existing at Shanghai.

Mr. Angell's dispatch contains the report of an interview between his excellency Mr. Von Brandt, the German minister, acting in the name of the diplomatic body, and the foreign office. This interesting, and, I might add, historical document shows that the Chinese Government had resolved to advance two propositions. The first was that foreign goods, admitted duty free and shipped coastwise, should pay coast-trade duty. The second was that goods manufactured from native produce bought at the port should be subjected to the same regulations as goods manufactured from produce brought from the interior under transit pass. Mr. Von Brandt held that these demands were in discord with the treaties, and this legation shared his opinions.

* * * * * * *

Mr. Angell regarded the declaration of the yamên as bringing the discussion to a standstill. The next reference to the subject is contained in a dispatch from my predecessor, Mr. Holcombe, No. 36, dated December 27, 1881.† Mr. Holcombe reported that the Chinese were "firm in their new policy," and that "no progress had been made in the negotiations." In his dispatch will be found an inclosure from Prince Kung to the diplomatic body, dated September 29, 1881, in which his imperial highness gives his construction of the treaty provisions quoted above, a construction worthy of note, because the ground therein taken is for the first time advanced by the imperial Government. The foreign powers claim that under the treaties any foreigner may engage in lawful business or industry and have access to the ordinary markets, foreign or

* Printed in Foreign Relations for 1881.
† Printed in Foreign Relations for 1882.

domestic. This is an intelligible right, one that contracting powers would naturally secure by treaty.

This expression [says the prince, referring to the provisions above quoted] relates to the exemption of sundry laborers in general, and means that Chinese and foreigners are permitted to engage themselves as laborers and workmen and work, but with the manufacturing of goods it has nothing to do, nor does it signify that goods so manufactured may be sold as a matter of course.

The position, as Mr. Holcombe reported in his dispatch, was substantially this: The treaty powers maintained that in their conventions the right of foreigners to engage in honest manufacturing *industries* was conceded, and that it was open to them to employ their capital and skill for the advancement of their interests in China. The prince claimed that the meaning of the conventions was that Chinese might hire foreigners as laborers, or foreigners engage Chinese for the same purpose, but that foreigners could not enjoy the commercial fruits of any such labors. The mere statement of this construction of the treaties will demonstrate its absurdity. It embodies, however, all that the legation can discern in the Chinese side of the controversy.

As another chapter in the history of these negotiations, I would call your attention to the dispatch of Mr. Holcombe, No. 92, dated April 29, 1882.* Over four months had passed, during which the question had lain dormant. There had been discussions between the foreign representatives and the foreign office, endeavoring to reconcile the varying constructions of the treaties. The legation then had only to report that the Chinese Government was even more resolved to maintain the impossible reading advanced by Prince Kung. The Government maintained that, under the treaties, foreigners had no right to engage in manufactures in China, and that, if they so engaged, goods so manufactured "must invariably be exported, and could not be sold in China." It was further reported to the Department that, in the opinion of the entire diplomatic body, there was no treaty stipulation that could afford a just basis for either of these assumptions. The legation at the same time believed that there was "no present prospect of reaching a satisfactory arrangement upon the questions at issue."

The Department will see that these discussions were of an amicable character; that the parties in interest were sincerely striving to come to an honest and advantageous understanding; that the Chinese, while advancing conclusions which we could not accept, had taken no steps to enforce them, or in any way to interfere with existing interests, or to hamper the enterprise of foreign merchants. The first move in an unfriendly way was the attempt detailed in the beginning of this dispatch, namely, the orders of the taotai of Shanghai to destroy Mr. Wetmore's company. Even this attempt, you will see from my dispatch No. 43, was taken up by the legation as a diplomatic question, and in a spirit of entire friendship with China, and a desire to come to a good understanding.

All questions at issue were, as I have said, in amicable discussion with the members of the foreign office, with an earnest desire to come to a just interpretation of the treaties, when the legation was informed by the vice-consul-general that an order had been issued by the viceroy of Nanking for the arrest of the compradore of Mr. Wetmore's business firm. The order was issued in secret, and under its terms the compradore was to be taken from Shanghai to Nanking and there tried for having taken part in the Taiping rebellion "by giving aid and comfort to the rebels," the Taiping rebellion having been suppressed in 1865.

* Printed in Foreign Relations for 1882.

The office of a compradore is peculiar to the East. We have nothing like it in western business systems. The compradore is middleman, interpreter, business representative, confidential agent, the main link between his chief and the native merchants. In the foreign houses the compradore is an important factor. Consequently the proposal to arrest this person was a serious menace to the harmony of Mr. Wetmore's business.

He was my boy [says Mr. Wetmore] when I first came to Shanghai in 1861, and has served me in various capacities since, having been compradore of my present firm for many years.

As to the charge of complicity with the Taiping rebellion, the pretext for the viceroy's warrant, Mr. Wetmore bears explicit testimony:

I believe [Mr. Wetmore says] there is not the slightest scintilla of evidence to show that he ever aided or abetted the rebels in any way. I have ever considered him a most loyal and patriotic man, spending large sums every year for the poorer classes of his countrymen. He is most charitable and kind-hearted.

Mr. Wetmore further drew the attention of the legation to the consequences of the arrest, and his opinions are worthy of careful consideration, coming from a gentleman long familiar with the ways and methods of Chinese law:

What a chance would he have [asks Mr. Wetmore] at Nanking before a viceroy like Tso * * * and among strangers who knew nothing of his antecedents, and confronted with false witnesses prepared to swear anything? How could any man, without notice of the specific charges against him, be prepared on the spur of the moment to rebut anything that he might be charged with having done twenty years ago?

While asking for the protection of his compradore upon the grounds of justice and humanity, Mr. Wetmore calls attention to the injury inflicted upon his business by the issue of the warrant.

Our business [he says] has suffered by the close confinement on our premises, which prevents him from going out and attending to our interests, and were he removed those interests would suffer still more severely, as we have contracts outstanding under his control, and many matters of importance which would suffer by his removal.

Here was a clear statement of wrongs and grievances which had been suffered by an American citizen, and to which the legation could not turn a deaf ear. At the same time there was the extreme delicacy and impropriety of any attempt on our part to interfere between the Chinese authorities and the administration of Chinese law. The viceroy, as the ruler of the province, had the undoubted right to execute the will of the Emperor upon Chinese subjects in his own way. Whatever we might think of the barbarous and summary forms of his procedure, under our treaties we had no power to interfere. Nor has it ever been the practice so to do.

Chinese subjects charged with crime have never been allowed to take refuge in the foreign concessions. If the man had been charged with felony, with *prima facie* evidence of guilt, the order for his arrest would have been approved as a matter of course. I hesitated to take a step that might look like a wanton interference on the part of the United States with the Chinese laws. At the same time I was bound to feel satisfied that the legal machinery of China had not been used to the injury of an American interest.

Laying aside any question of humanity or sympathy for the compradore suddenly summoned from his peaceful calling to a fate that meant ignominy, torture, ruin and death, ignoring the manifest absurdity of arresting and trying a man for taking part in a rebellion which came to

an end seventeen years ago, I looked at the question solely as an attempt to injure an American citizen in his business. Under our treaties and forms no Chinese warrant can be served upon a Chinaman in the employ of a foreign resident or living in a foreign concession, without the permission of the consulate or legation under whose flag the foreign resident finds protection. I therefore approved of the action of Mr. Cheshire in refusing to sign the viceroy's warrant, and instructed him * * * not to do so until he had the further orders of the legation.

I cannot [I said] see my way to approve the service of the warrant until I am satisfied that its issue is not meant to intimidate American merchants pursuing a lawful calling, and destroy an American enterprise which is under the protection of the treaty.

The motive for the proposed arrest of the compradore was, according to Mr. Wetmore, to punish him for having taken shares in the cotton yarn company, and, by this act of terror, to prevent other Chinese capitalists from doing the same thing. Upon this point the legation anxiously awaited evidence, as upon it the whole question turned. If the impressions of Mr. Wetmore had upon inquiry proved to be only impressions, it would have been the duty of the legation, however painful, to have withdrawn its objections. Awaiting the result of the inquiry, the warrant was held in abeyance, but not disallowed.

Mr. Cheshire, the vice-consul-general, in his creditable anxiety to serve American interests, thought it would be well to visit Nanking and have a personal interview with the viceroy. * * * Mr. Cheshire reached Nanking on the 22d of October and saw the viceroy. * * * Mr. Cheshire asked the viceroy as to the origin and nature of the charges against the compradore, and said he had "reasons to believe that they were made solely for the purpose of interfering with the cotton yarn company." To this the viceroy answered that the compradore had been a rebel and should be punished, and that the charge originated "with a man connected with the rival cotton yarn company." This was an important point of evidence, as showing the spirit that had inspired the charge. The viceroy then expressed himself as hostile to all foreign manufactures, "especially when machinery was to be used," as an interference with the manual labor upon which Chinese industry mainly depends. Mr. Cheshire does not appear to have had a satisfactory interview, and, before leaving the viceroy, handed him a statement, in Chinese text, setting forth the actual facts in the case of the compradore. While disavowing very properly any purpose of screening a Chinese subject, guilty of rebellion, from the laws, Mr. Cheshire claimed as a right that the case should be tried, according to custom, before the mixed court at Shanghai, where our officials could attend and see that justice was rendered.

When the legation received the dispatch in reference to the visit to Nanking, I suggested that Mr. Cheshire had gone on the errand without acquainting me with his purposes, and I expressed this feeling in a dispatch which I addressed to him. In questions of this nature, purely diplomatic in their character and affecting the relations of the two countries, my judgment is that we should know only the central Government to which the minister is accredited. * * * Mr. Cheshire's visit had this result, that the statement of the viceroy confirmed the impressions of Mr. Wetmore as to the real reasons for the proposed arrest of his compradore, namely, because he had taken shares in a foreign company. It also showed that the viceroy was inimical to foreign interests and

enterprises, and was determined to suppress them by the use of his provincial authority. * * *

While, as I said, this interview confirmed the impressions of Mr. Wetmore as to the actual motives prompting the order for the arrest of the compradore, and strengthened the legation in our refusal to permit it, conclusive evidence was not long in coming. In a letter, dated November 7, Mr. Wetmore details at length the circumstances of an offer from the Chinese to compromise and close his case. In a letter dated November 4, Mr. Wetmore informs the legation that overtures had been made to him, "through go-betweens," to the effect that if he would give up his pretensions, acknowledge the Chinese monopoly, and wind up his own company, "they would guarantee the withdrawal of the warrants." * * * Mr. Wetmore was asked to sign a "security note," binding himself in certain sums of money to "undertake to close and stop at once the yarn rolling company in conformity with the monopoly of manufacture already granted by China, and to return all the money subscribed by shareholders, and wind up the company."

Another note was presented, in which the Chinese merchants in control of the Chinese franchise agreed to bind themselves, at the penalty of certain forfeit, to petition the viceroy to "close the case" against the compradore, provided Mr. Wetmore abandoned his project.

This extraordinary and degrading proposition made the duty of the legation clear. * * *

If the compradore had been guilty of crimes which justified so high an official as the viceroy of Nanking in issuing his warrant, then the law should have taken its course. If he had striven to overturn the dynasty and ruin the Empire, it was the duty of the viceroy to have vindicated the supremacy of the law. But when an offer was made to withdraw the warrant and permit a Chinaman charged with a capital crime to go untried and unpunished, provided his master withdrew his enterprise, there could be but one decision, and this was to confirm the legation in its resolution and refusal to permit the forms of Chinese law to be used to destroy American interests.

In this conclusion the legation was confirmed by the unanimous voice of the diplomatic body in Peking.

Mr. Wetmore declined the proposal, and Mr. Cheshire suggested that the compradore, instead of going to Nanking to be beheaded, should be tried before the mixed court in Shanghai. The Chinese accepted this suggestion, and I suppose the case will here end. I cannot but regret that the suggestion was made. * * * The effect of the reference to a mixed court will be to release the compradore, but all the moral and material advantages of the controversy remain with the viceroy. * * * In the mean time the viceroy had carried his point, so far as to paralyze the enterprise of Mr. Wetmore. He had established a dangerous precedent, by showing that it was only necessary to threaten to arrest a foreign compradore, to successfully attack a foreign business interest. He made it known to Chinese investors that any subscription to a foreign enterprise, even when guaranteed by treaty, subjected them to the terrors of a criminal prosecution; and in the event of our asking the foreign office for explanations, we should have for answer, and an answer that could not be gainsaid, that the mixed court, in which foreign officials take part, had been allowed to decide the case.

As it was, the position in which the Chinese had placed themselves, when they made their ignominious proposition, was so untenable that

the Peking Government would have been compelled to disown the whole proceeding.

I expressed this view in a dispatch to Mr. Cheshire, * * * and again said he must take no steps at Shanghai without conferring with the legation. I instructed him further not to allow any judgment to go into effect until the evidence satisfied the legation that the accused had fallen within the just province of Chinese law and been guilty of some more serious offense than the purchase of shares in Mr. Wetmore's company. I was emphatic in this, because, in all the steps that had been taken, the legation was in harmony with the representatives of other powers, and I deprecated any consular action that might disturb this harmony. I had no desire to censure Mr. Cheshire, who has shown the utmost zeal in the whole business; but the question had assumed diplomatic proportions, and must, sooner or later, be settled with the foreign office, and I could not delegate that power to a vice-consul-general or allow him to transfer the responsibility for a serious act of aggression and violence from the imperial Government to a provincial viceroy.

The incident of the proposed arrest of the compradore * * * passes away. * * * I have written about it at length because it will explain to the Department the strange antipathy towards foreigners which animates the Viceroy's course, and because I am anxious that my Government should know clearly and minutely the reason which led the legation to take the extreme steps of interfering between a Chinese ruler and a Chinese subject. I am in hopes that the Department will feel that I did no more than use the power of the legation for the protection of an American interest, and that it was done with a due regard to the rights and susceptibilities of the central Government.

The legation was so impressed with the gravity of the situation, an impression, which, as I have said, was shared by some of my colleagues whose long experience in Peking gave their opinions value, that dispatches were addressed to the vice-consul-general instructing him minutely as to the course he should pursue. It was important, as I have said, that the consulate-general should take no step of an important character without consulting the legation. We were acting in harmony with our colleagues, and * * * I deprecated any action that might disturb that harmony. * * * The question was one which had long been considered in Peking and the decision could not be remanded to Shanghai. I expressed the hope that the antipathy to foreigners was but a whim of the Nanking viceroy, a temporary and evanescent caprice which would be disowned at Peking. This hope, however, reviewing the negotiations which I have sketched, rested upon a slender foundation. Accordingly it was with alarm, but not without surprise, that I learned in a private note from the vice-consul-general that the viceroy had issued further orders, which showed a continued antipathy to foreign interests.

Some months since a foreign company introduced the electric light into Shanghai. This invention added a new attraction and a new comfort to this splendid settlement. An order came from the viceroy forbidding all Chinese establishments to use the lights, and directing the local police to enforce his command.

This was followed by a decree of more serious moment. The American house of Russell & Co. has for some time past been engaged in the manufacture of silk filatures. Heretofore the business has never been interrupted, the Chinese allowing it to run unmolested while the question of its legality under the treaties was under discussion in Peking. The viceroy requested the vice-consul-general to stop the manufactory,

and also asked the British consul to do the same thing with an English house engaged in the same business.

I telegraphed Mr. Cheshire that the legation could not consent to this act of violence, and would regard its enforcement as another infraction of treaty rights. He was directed to call the attention of the Chinese authorities to the fact that all questions at issue, and more especially the question of manufactures, were now under discussion with the foreign office; that the discussion was proceeding with "amity and a sincere desire to arrange all differences upon a basis that would serve the best interests of all," and that, pending this, the legation could not but regard it as an act of "discourtesy for the provincial authorities to interfere with American interests by acts of violence." I pointed out that such a course, so unusual and so marked in its unfriendliness, could only give an irritating character to my negotiations, that should be conducted in the friendliest spirit, and engender complications that wisdom and candor on the part of the authorities would avoid.

* * * * * * *

The Department will note in the correspondence between the taotai and Mr. Cheshire in reference to the suppression of the silk filature business of Russell & Co., a change of ground by the authorities in Shanghai as to their motives for suppressing foreign industries. When the decree was issued forbidding Mr. Wetmore to proceed with his company, the argument of the Chinese was, as I explained above, that Mr. Wetmore was invading a monopoly granted by Li Hung Chang to a native company for the manufacture of cotton cloth. The taotai held that the making of yarn was virtually the making of cloth, and that the imperial Government, in granting this monopoly, was, to use his own illustration, following western precedents, and especially the patent laws of many western nations.

The legation differed from this view, and held that the spinning of yarn and the weaving of cloth were separate industries. We questioned whether, under the treaties, it was within the province even of the Emperor to grant the monopoly claimed by the Chinese company. At the same time, I felt that the arguments of the taotai embodied legitimate grounds for differences of opinion. We might convince the yamên that the taotai was wrong. The yamên might convince us that the legation was in error. In that spirit, a spirit of inquiry and courteous protest, the legation addressed the foreign office, feeling that the question was simply how far we should respect the monopoly granted by Li Hung Chang, and how far such a monopoly was consistent with the treaty when it affected American interests. The legation entered into this discussion, willing to be convinced if our predecessors were wrong. If Mr. Wetmore or any other American had invaded the privileges of a Chinese subject, if his company was a violation of Chinese law, it would not, however much we might regret the loss or the inconveniences to that gentleman, have been to the dignity or honor of the Government to have maintained his claim. The decrees against the silk filature manufactory and the electric lights, however, showed that the true feeling of the taotai was not the protection of his cotton monopoly, but the expression of a general policy of antagonism towards all foreign industries in the open ports.

For the first time, therefore, in this long discussion of treaty rights to manufacture, the diplomatic body was brought face to face with the resolution of the Government to forbid any form of foreign industry and to enforce the interdict by acts of violence. It was no longer an amicable controversy in Peking, construing the meaning of Chinese char-

acters, debating the etymology of French nouns and verbs, seeking out hidden and strained constructions of treaty sentences, but a body of officious subordinates, assuming offensive authority, bidding policemen to arrest Chinamen who had dared to purchase shares in foreign companies, and asking the foreign merchants not only to cease from the enjoyment and performance of their treaty rights, but to *become spies and informers*, and render up to the terrible relentless forms of Chinese justice all Chinamen who had shown enough confidence in their mercantile honor to share in their enterprises.

The question which still remained unanswered, although the answer was sought with earnestness, was, How far did the acts of the Shanghai officials represent the will of the imperial Government? * * * There was still the impression in Peking, in diplomatic circles, that the policy of repression in Shanghai was the caprice of Tso Chung Tang, the governor-general at Nanking.

* * * * * * *

Although these offensive mandates were issued in the name of the viceroy, * * * there came indications from provinces beyond the vice-regal dominion showing that anti-foreign influences were at work in other parts of the Empire, and conveying the impression * * * that the new policy was the inspiration of the Government.

While the legation was considering the news that the viceroy had put under ban the electric light at Shanghai, it was informed of a new incident at Amoy. The German consul telegraphed his minister in Peking that the Chinese authorities had forbidden a German subject at Amoy to continue his manufacture of iron ware, and forcibly closed the works. The German minister telegraphed the consul to reopen the works, the manager to enter a bond to make good any damage that the Chinese might maintain against him.

In an interview between the German minister and the foreign office the legation was informed that the Chinese ministers denied all knowledge of the incident at Amoy. They said, furthermore, that they had not heard of the order in Shanghai suppressing the electric light, and were not disposed to believe the story, as the taotai was an enlightened man, having been in Europe, and that, knowing all about electric lights and other useful inventions, he would rather welcome than reject them.

When the minister, however, asked the foreign office to telegraph an instruction to Amoy and other ports to prevent a renewal of the oppressive interdicts against German subjects, the answer was that such a way of procedure was not customary in China. The minister then replied that if the Chinese Government could not find a way to protect Germans who were in the harmless enjoyment of treaty rights he would do so himself, and put upon the Chinese Government the responsibility for all the consequences.

In our discussions and correspondence arising out of this complication the legation has never assumed that there was any intentional unfriendliness on the part of the Government. I never lost sight of the undoubted right of China to do what she pleased with her own. I was ready, if any representation was made as to the harshness or the burden of a treaty, to unite in asking the Government for amendment or remedy. We pursued this course with China when we made the convention on the emigration question, and would not decline the same office if sought at our hands. I have cherished the hope that the result of the conferences between China and the foreign representatives would be to the advantage of China in persuading the ministers to adopt more enlightened measures affecting commerce. I have observed with pleasure in

reading the minute and elaborate narratives of the discussions between the foreign office and my predecessors and other foreign ministers in the archives of the legation, that the spirit inspiring the counsels of the ministers has always been friendly to China, animated by a desire to serve her best interests, and showing wisdom and foresight. To bring China abreast of western civilization, to develop the wonderful resources of her territory, to enable the Government to appease famine, stifle pestilence, and subdue rebellion, to encourage her enterprise and skill, and in every way to confer upon the people the benefits of a sound and practical civilization, this seems to have been the constant aim of the representatives of foreign powers.

Why should China, therefore, resist advice that redounds to her advantage, even to the extent of permitting an infraction of treaty rights and acts of violence towards an American interest? * * * An interesting illustration of the methods of Chinese reasoning, especially the reasoning which inspires the policy which the legations are now resisting, will be found in the dispatch addressed by the taotai of Shanghai to our acting consul-general in reference to the suppression of the silk filature factory of Russell & Co. The taotai says that one-half of the population of the provinces of Kiang-Su and Che-Kiang is engaged in farming and the other half in weaving silk. These provinces are among the most populous in the Empire. Kiang-Su, with a geographical area about the same as Pennsylvania, has a population of over 37,000,000. Che-Kiang, a province a fraction smaller than Ohio, has over 26,000,000, a density which will be more readily appreciated when we remember that in Kiang-Su this gives 850 souls to the square mile, and an average of 671 in Che-Kiang. The government of a population so vast and so dense, one-half of which depends for bread upon silk weaving, is a task that might perplex any ruler. The taotai, accordingly, expresses the fear that—

> Should foreigners introduce and use machinery for the purpose of weaving silk, the difference between the amount of work done by manual labor and that done by machinery being very great, the latter system, it is feared, would render the Kiang-Su and Che-Kiang people helpless, which would be very detrimental to their interests.

There is something plaintive in an argument of this kind, and, however much we may feel it is based upon an erroneous conception of the laws of political economy, we cannot help feeling that the minds of the Chinese rulers are governed by the same processes of reasoning which led the weavers in England to destroy the first steam-power looms, and which we see every day among laboring classes in the presence of new labor-saving inventions.

The taotai further points out that as an export the silk trade is of the first importance to the Chinese revenue. Foreigners had never engaged in its manufacture, and for them to do so now would not only "deprive Chinese who depend on silk reeling of their means of support," but divert revenues from the imperial treasury. "Moreover," continues the taotai, in emphasis of his argument, "the Chinese who depend upon reeling silk and weaving silk goods for their support are countless in number, and they would be in a pitiable plight if they were suddenly deprived of their employments and the means by which they obtain their support"; and that "the question of the support of such large hosts of people, it is feared, under the circumstances, will lead to trouble and complications."

The taotai expresses his opinion that the foreign firms which introduce machinery are acting as secret agents for certain evil-minded Chinese capitalists, and he asks that the names of these Chinamen be

given to him that they may be arrested and committed for trial. In other words, an American official is expected to aid the Chinese authorities in punishing Chinese subjects for taking shares in an American enterprise.

The taotai further pointed out that, after a careful reading of the treaties, he could find no warrant for the foreign *industries*. Evidently the taotai adopted the imperial construction of the covenants I quoted above, and believed that when the treaty powers and the Emperor solemnly agreed to allow foreign industries in the open ports their real meaning was that Chinese could hire foreigners, or foreigners hire Chinese to do their work, but that the results or profits of such work should not inure to them in the way of trade.

This communication from the taotai to the vice-consul-general is worthy of the careful and respectful consideration of the Department. It shows, I think, that the Chinese authorities are really struggling with problems in the government of densely peopled provinces, problems in the guidance of labor, trade, commerce and redundant population which have embarrassed the statesmen of more civilized powers. While doing all we can to convince them of the errors of their reasoning we cannot but sympathize with their anxiety. This sympathy, however, does not permit us to view with any less concern the attempt to interfere with our conceded treaty rights by acts of violence. So, in presenting the subject to Prince Kung, the aim of the legation has been to point out in clear terms the injustice of the whole proceeding, its discourtesy and wrong. We have constantly said that the Government wished to hold enlightened and friendly relations with China, and that we desired an intercourse, the benefits and advantages of which were reciprocal. If any convention existed which experience showed bore with undue stress upon the Chinese and was injurious to them, our Government would consider in the friendliest spirit any statement China would make. The legation has constantly cherished the hope that the discussions and conferences now so long in progress between the foreign office and the diplomatic body would convince the Chinese authorities that the fears of foreign competition so pathetically expressed by the taotai of Shanghai were founded upon a wrong conception of the laws of industry and prosperity, and that so far from the introduction of machinery, as in the reeling of silk, proving a detriment to the people, or imperiling their means of livelihood, experience would show in China as it has done in England, France and America, that it would add to their comfort, their worldly advantage, give them surer and better means of livelihood, and materially increase the imperial revenue.

That to carry out the rude and crude ideas of the taotai would be to recede and not advance in the path of civilization. Whether this hope is to end in disappointment or otherwise, the Chinese authorities, if they follow our arguments, cannot fail to see that for a provincial authority, while these conferences were proceeding, to interrupt them by an act of violence towards an American merchant, to the serious injury of his business, to his annoyance, discomfort, and pecuniary loss, was a most unfriendly act, and could not fail to be regarded as such by my Government. If the treaty were disadvantageous it should be amended. So long as it was a treaty the honor of His Majesty as well as of my own Government was involved in its faithful observance. Following this line of thought the legation has contented itself with asking from the Chinese Government an investigation into the acts of the provincial authorities. My hope is that the legation will be able to report that

these acts of violence have met with the severest censure that they in no way embodied the spirit or the policy of the Government, and that henceforward American merchants would not be molested in the enjoyment of their due and lawful rights.

I am afraid I have written you at wearisome length upon this incident, but its gravity must be my excuse. I have given you its history from the beginning, and if I have made my meaning clear, the Department will see that the situation is full of embarrassments. How far the Government will press its policy, which, although apparently new, will seem from my narrative of our diplomatic negotiations to be slow but steady growth, is a problem. If the position taken by the foreign office is maintained and accepted by the foreign powers, then our treaties are of no more value, so far as the rights of merchants in China are concerned, than so many ropes of sand. If the right to engage in honest labor and to enjoy the profits of that labor is denied to-day the right to buy and sell may be denied to-morrow. These rights withdrawn, foreigners can have no interest in China, except those who come for study, observation, amusement or instruction.

Settlements like Shanghai, which have grown into imperial splendor and wealth in a few years as a consequence of a generous commercial system, and which have added so much to the prosperity of the Empire, will shrink up and vanish like the great cities of the Mediterranean, which were the glory of the early days, and whose fame only lives in the romance and tradition which tells of Carthage and Tyre. China will lapse into the dark ages, no longer a living, active influence, but sluggish, inert, and dead, a prey to internal dissensions and external schemes of aggrandizement. There are statesmen in China who cannot fail to see this among the other consequences of a course which has already arrayed against the foreign office the whole diplomatic body. My hope is that the influence of these men will be felt in the imperial councils, and that the complication may result in a recognition by China of the true principles which should govern intercourse among nations. Such a result would be a happy consequence, and nothing will do more to bring it about and to give these statesmen the weight in Chinese affairs which their wisdom and foresight justify than that the foreign Governments should resist, by every species of argument and persuasion, the reactionary tendencies now in force. * * *

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 69.]

Prince Kung to Mr. Young.

PEKING, *October* 18, 1882.

YOUR EXCELLENCY: I have had the honor to receive your dispatch of the 13th instant, stating that you are in receipt of a report from the acting consul-general at Shanghai, to the following effect:

Certain Americans and other foreigners had formed a company at Shanghai for the manufacture of cotton yarn. After the shares were allotted and arrangements made for the purchase of machinery, just as they were ready to begin operations, an apparently official notice appeared in a Shanghai paper, forbidding the organization of the company. The acting consul-general at once appealed to the customs taotai, who not only confirmed the Chinese newspaper notice, but added that he had forbidden Chinese merchants to take shares in the new company. After repeated and unsuccessful efforts to induce the taotai to reconsider his action, the acting consul-general has sought your intervention, &c.

This office has given careful consideration to your dispatch, and is of opinion that

the customs intendant in his course in the case has not violated the treaty in any point. Your excellency is requested to carefully consider the following arguments:

Silk and cotton form the principal exports from China. The treaties negotiated between China and the several foreign powers plainly provide that foreigners may trade or pursue their avocations without hindrance of any kind from the local authorities at the ports open to foreign trade. Now, by the expression "may trade" is meant that they may traffic in or import or export all foreign and native merchandise. The phrase "may pursue their avocations" means that Chinese or foreigners may reciprocally employ either foreigners or Chinese as assistants or laborers at their own option and desire. A careful review of all treaty stipulations fails to show any stipulation permitting foreigners to manufacture native products at any of the ports in China. In connection with this subject, the foreign office has many times discussed with Mr. Von Brandt, the German minister, a code of regulations for native produce. Upon the point of native produce manufactured at the port, up to the present time no arrangement has been reached. It certainly appears that the manufacture by foreigners of native products at the port interferes with the revenue and hinders the commercial operations of native merchants.

The present formation of a company by foreigners at Shanghai and the purchase of machinery for the manufacture of thread by which raw silk intended for export is manufactured into another form of merchandise, has the effect to deprive Chinese subjects of their means of livelihood and diminishes the revenues of the Government. And since there is no plain treaty provision permitting such manufactures, it cannot be said that the customs intendant violated the treaties in forbidding foreigners to engage in them.

Still further. Some time ago the northern superintendent of foreign trade granted a monopoly for a period of ten years to a Chinese company at Shanghai for the manufacture of cotton cloth by machinery, authorizing Chinese to take shares in this company, but forbidding them to establish another. His action was laid before the throne and received the imperial approval. It will be seen that this was the first attempt made by Chinese to organize a company for the manufacture of cotton cloth by machinery, and certainly such an attempt should be fostered and protected for a term of years in order that it might gradually become profitable. If other Chinese were allowed to establish companies for the same purpose the first company named would meet with competition, and then it could not be established and become strong. Since, then, Chinese are not to be permitted to form other companies, how, on the other hand, can the privilege be conceded to foreigners?

The cultivation of the soil and weaving are occupations which closely concern the lives of the people. In that which relates to their means of livelihood the Government cannot fail to render them its support. Under the same circumstances in your own country your excellency would with great carefulness follow a similar plan.

In the memorial referred to above it was stated that there was in all western nations a universal statute providing that in the case of any new invention not before existing in the country concerned the discoverer was given the exclusive right to manufacture it for a certain number of years. Thus the plan adopted at Shanghai agrees with that pursued in western countries.

In reference to your observation that Chinese have established themselves in all parts of the United States in many branches of commerce and manufactures, from which they have derived large profits, I beg to remark that the good treatment shown by your Government to the Chinese is known the world over, and this Government is constantly in deep gratitude for it. But Chinese who have gone to other lands have not always been able to secure invariably the same privileges and immunities which are secured to foreigners who may come to China.

In a word, the plain language of each article of each treaty must stand for law; and as your excellency adverted to the treatment accorded to Chinese in the United States, it seemed best to make the comment given above.

[Inclosure 2 in No. 69.]

Diplomatic Body to Prince Kung.

PEKING, *November* 17, 1882.

To his imperial highness Prince Kung, and their excellencies the ministers of the Tsung-li yamên:

On the 10th of November, 1879, the representatives of Austria-Hungary, Belgium, Denmark, France, the German Empire, Great Britain, Italy, the Netherlands, Peru, Russia, Spain, and the United States had the honor to forward to his imperial highness Prince Kung, and their excellencies the ministers of the Tsung-li yamên a note, in

which, while enumerating a certain number of subjects to which, for one reason or another, they considered themselves entitled to demand attention, they expressed the hope that a joint consideration of the points mentioned would bring about a satisfactory understanding.

In consequence of this note and further *pourparlers* and arrangements ever since May, 1880, Sir Thomas Wade and Mr. Von Brandt have been engaged in negotiations with the Tsung-li yamên, referring more especially to trade inwards and outwards, without, however, arriving at any practical result.

This would be in itself sufficiently to be deplored, but in the course of the negotiations pretentions have been put forth by the ministers of the yamên which claim the earnest attention of the undersigned, and render it necessary for them to leave no doubt to the members of the yamên of the impression produced by them on their minds and the consequences which an attempt of the Chinese Government to put into practice the theories thus professed would undoubtedly entail.

The theories to which on the one or the other occasion the Tsung-li yamên has given expression may be shortly summarized thus: That foreign merchants had not the right to trade in native produce, but were only allowed to buy it for purposes of exportation, and that foreigners at the open ports were only allowed to trade, but not to follow industrial pursuits.

With regard to the second point the reading of several of the treaties concluded with China is clear and precise.

Articles VII of the French treaty of 1858, VI of the German treaty of 1861, and XI of the Belgian treaty of 1865, state expressly that the subjects of these powers shall be allowed to exercise commerce and *industry* at the open ports.

The ministers of the yamên attempt to do away with this stipulation by pretending that the Chinese term of *kung tso*, used for "industry," signifies only that Chinese and foreigners may reciprocally employ either foreigners or Chinese as assistants or laborers at their own option and desire.

The Chinese term, as explained in the dictionary edited by the order of His Imperial Majesty's ancestor, does certainly not bear out this statement; on the other hand, the right to hire and use Chinese for all lawful purposes is guaranteed to foreigners by other articles of the above-mentioned treaties, viz, Article XI of the French treaty and Article IX of the German treaty. It is, however, not necessary to refer to these articles or to discuss the signification of the Chinese term employed, as the French treaty, as well as the German one, contains in Articles III and V the stipulation that in case of divergencies in the interpretation of the different texts the French text shall be considered as the original one.

Your imperial highness and your excellencies will certainly have no difficulty in convincing themselves that the French expression, "*se livrer au commerce et à l'industrie*," has not the signification which the yamên attempts to give to it, but means, so far as the term "*à l'industrie*" goes, that the subjects of the two powers, and therefore those of all the treaty powers, shall have the right, within the limits of the open ports, to establish all kinds of industrial enterprises and to work them.

With regard to the first point, the pretensions of the yamên that foreigners are bound to export, the treaties are equally clear. On paying the same inland charges as the native pays the foreigner is at liberty to trade in native produce where and howsoever he likes, subject only to the stipulations contained in the treaties, and the duties fixed by them or subsequent mutual agreements. The obligation to export exists only for goods brought to the port under transit pass, and it has been introduced in this case to protect the native-owned goods which have not had the benefit of transit passes against the disadvantage which would result to their owners from such a discrimination. This is the view borne out by the treaties and professed by the Tsung-li yamên itself until a short time ago.

The undersigned, therefore, though animated by the earnest wish to remove the subjects of complaints existing on both sides, and willing either to agree themselves to or to recommend for the acceptance of their respective Governments any fair proposals which may tend to this end, must protest most energetically against the attempt made by the Tsung-li yamên to dispute and contest the clearest stipulations of the treaties; they cannot accept any interpretation of their provisions tending to create for the foreign merchant in China a position which would leave him an agent for the importation of foreign and exportation of native goods, but would forbid him all other commercial and industrial pursuits, even within the narrow limits of the open ports.

This pretension on the part of the ministers of the yamên is so much more strange, as not only Chinese subjects enjoy in other countries all the rights which the yamên attempts to deny to foreigners in China, though expressly stipulated for by the treaties, but, as the Chinese Government themselves in their negotiations with foreign Governments claim for their subjects the enjoyment of these advantages, not as a favor but as a right.

Your imperial highness and your excellencies will allow the undersigned to make

use of this opportunity to draw their attention to some other facts, which, unless remedied, are likely to create serious difficulties.

For a short time past provincial authorities have on more than one occasion granted monopolies to persons or companies, and as a consequence of these grants have used means which, in some instances, must be characterized as illegal to protect the persons or companies so favored. The Tsung-li yamên, when appealed to on this subject, has answered that the action taken by the Chinese authorities was the same as that used by foreign Governments in granting patent rights.

This statement is evidently based upon a misunderstanding of the case. Patent rights are granted by foreign Governments to persons making a new invention or inventing an improvement to something existing already; they are granted under special legislation by an office created for the purpose by the central Government, and only after a careful and searching investigation into the professed invention by competent persons.

No objections would be raised by the undersigned if a similar institution were introduced in China, provided it offered the necessary guarantees which legislation, the supervision of the central Government, and the scientific and practical efficiency of the persons composing the patent office alone can give, but the undersigned would not feel themselves in a position to recognize or respect so-called patents issued by provincial authorities without these guarantees.

The steps taken, however, by some of the provincial authorities, and complained of by the undersigned, cannot be ranged under patent rights, but must be classed as monopolies, *i. e.*, measures which, with the exception of certain monopolies reserved to the Government similar to the salt monopoly in China, are never resorted to by foreign Governments.

It is not the business of the undersigned to meddle with the internal administration of China. They may regret that the Chinese Government, instead of trying to foster trade and industry by giving them full liberty and by protecting them against official interference and exactions, crushes every attempt at developing the internal resources of the country by loading the new branch of industry or commerce with duties and taxes, or preventing the people from following it by granting a monopoly to a few officials or speculators; the undersigned may regret this state of things, but they have not to interfere in these questions. Where their right of protesting against the measures taken by the provincial authorities begins, is when the lawful interests of foreigners are violated by open or secret attempts on the part of Chinese officials to prevent Chinese from associating themselves with foreigners in commercial or industrial undertakings, under pretext that monopolies have been granted by provincial authorities for the extent of the whole Empire.

The undersigned beg to call the attention of his imperial highness and their excellencies to this state of things, and to the results which must inevitably follow, not only from such interference with trade and industry, under which the Chinese people themselves will suffer most, but also from the usurpation of rights belonging to the central Government only by provincial authorities.

When in 1867-'68 the Chinese mission was dispatched to the treaty powers, it was instructed by the Chinese Government to demand that questions referring to the execution of the treaties and the interests of foreigners generally, should in future not be settled with the provincial authorities, but by a direct appeal to the central Government and by negotiations with the Tsung-li yamên.

The justice of this demand was recognized in principle by the Governments of the treaty powers, and ever since the epoch mentioned the representatives of the treaty powers, as well as these latter themselves, have faithfully observed the rule so laid down. But the undersigned cannot but draw the attention of his imperial highness Prince Kung and their excellencies to the fact that, not only in the course of the current business, engagements taken by the Tsung-li yamên with reference to questions having arisen in provinces are not always carried out by the provincial authorities, but that the attempts of these latter to arrogate to themselves such rights as can properly belong only to the throne, make the position of the representatives of the treaty powers accredited to His Imperial Majesty a very difficult and delicate one, and one which urgently demands redress and attention.

While reiterating to his imperial highness and to their excellencies the expression of their sincerest wishes that the *pourparlers* which Mr. Von Brandt shall continue to have with the yamên on the question of trade outwards, and those on trade inwards, for which they depute on their part, in the place of Sir Thomas Wade, Her Britannic Majesty's chargé d'affaires, the Hon. T. Grosvenor, will lead to a speedy understanding on both questions, they beg to draw the earnest attention of his imperial highness and their excellencies to the considerations which they have had the honor to lay before them in this note.

The undersigned seize this opportunity to renew, &c.

[Signed by members of the diplomatic body at Peking.]

[Inclosure 3 in No. 69.]

Mr. Young to Prince Kung.

PEKING, *November* 23, 1882.

YOUR IMPERIAL HIGHNESS: I have had the honor to receive your dispatch of the 18th of October in response to mine of the 13th of the same month in the matter of the company established at Shanghai by certain citizens of the United States for the manufacture of cotton yarn.

In this response your imperial highness maintains that the intendant of circuit at Shanghai, in his action in endeavoring to suppress the company, had not violated the treaty at any point. And your imperial highness proceeds to say that the treaties negotiated between China and foreign powers contain no stipulation permitting foreigners to manufacture native products at any of the open ports in China. Your imperial highness contends that the phrases *mao yi* and *kung tso*, found in several of the treaties, only mean (1) that foreigners may traffic in or import or export all foreign and native merchandise, and (2) that Chinese and foreigners may reciprocally employ either foreigners or Chinese as assistants or laborers at their own option and desire.

Your imperial highness declares that the cotton yarn company, if established, would interfere with a monopoly granted by his excellency Li, and confirmed by the throne. And you conclude by remarking that the plain language of each article of each treaty must stand for law.

In response I beg leave to express my entire concurrence with this final statement of your imperial highness. Indeed, it was only because I believed that the customs intendant at Shanghai had violated the plain meaning of one article of the treaty that I first appealed to your imperial highness in the case. The only desire of this legation or of the Government which it represents, is to see the plain language of each article of the treaties regarded as a law, binding equally upon both parties, and as such faithfully and fully observed.

But, in order to avoid prolonged and unnecessary discussion, I feel it my duty to inform your imperial highness frankly and at once that the interpretation placed upon the word *kung tso* in the dispatch now under reply, is one which will in no event be accepted by the Government of the United States. The interpretation of this word as given by your imperial highness does not appear to be consistent with its plain meaning as given in the dictionary compiled under the command of His Imperial Majesty Kang-hsi. Be that as it may, that interpretation is totally at variance with the perfectly plain and indisputable meaning of the equivalent foreign expression used in the treaties in which the word *kung tso* occurs. I need hardly remind your imperial highness that, by a provision contained in those same treaties, in cases of difference of interpretation of the two texts, the foreign version is to be held as authoritative and final.

The word *industrie*, used in the several treaties as equivalent to the Chinese word *kung tso*, is exceedingly broad in its signification, and covers all the different callings and pursuits in life which men are accustomed to follow. Under its plain and indisputable meaning foreigners of all classes have the same liberty and freedom of choice as to what they shall do that they would have in their native lands, with but one limitation, which confines such operations to the ports in China which are by treaty open to foreigners.

Hence, under the plain provisions of treaty, foreigners *have* a right to establish manufactories at the open ports in China, and this right, so far as my countrymen are concerned, I am bound to insist upon and maintain.

As to the remark of your imperial highness, that the cotton yarn company, if established, would interfere with a monopoly granted by his excellency Li and confirmed by the throne, I can only reply by repeating what was said in an earlier dispatch, that "treaties form the supreme law of the land in each of the two countries between which they are concluded, and that neither local regulations nor the regulations of the supreme authority itself can be allowed to curtail or contravene the privileges secured by them. Under this principle the monopoly referred to is void and of no effect, as it interferes with the treaty provisions mentioned above."

If further evidence to the meaning of the phrase be needed it is found in the fact that the employment of compradores, assistants and laborers of every class by foreigners is specifically provided for in a different article in the several treaties, and hence could not have been referred to in the expression under dispute.

In conclusion, I beg to observe that it is no part of the intention or desire of my Government to interfere with the revenues of His Imperial Majesty, nor the industrial pursuits of his subjects. Nor can I perceive that a proper interpretation and just enforcement of the treaties would serve to produce either of these results.

I have, &c.,

JNO. RUSSELL YOUNG.

No. 70.

Mr. Young to Mr. Frelinghuysen.

No 74.] LEGATION OF THE UNITED STATES,
Peking, December 12, 1882. (Received January 23, 1883.)

SIR: I have the honor to inclose for the information of the Department a proclamation issued by Li Hung Chang, in reference to the naval school under his control at Tien-Tsin.

It will be interesting as showing the progress of the Chinese in developing their system of technical naval education, and the methods employed in the management of their cadets.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure in No. 74.]

Proclamation by his excellency Li Hung Chang.

[A proclamation issued by Earl Li, viceroy of Chihli, senior guardian of the heir apparent, high commissioner of coast defense for the northern seas, and acting superintendent of trade, calling for a competitive examination of candidates.]

Inasmuch as formerly a want has been felt for the two branches of naval and engineering schools, I did establish on the seventh moon of the sixth year of Kwang Hsü, a naval school in Tien-Tsin for northern students only. This establishment has existed now for a year and more, and some progress has also been made, but it has never arrived at the full complement required, owing either to the dull abilities of the scholars or to their being too old for the purpose. This has arisen perhaps on the score that too small an allowance has been made for the students. I have, therefore, altered the regulation of granting a monthly allowance of one tael for each scholar to four taels per month. This sum will be sufficient to afford sustenance for a moderate sized family. In the naval school at Foo-Chow scions of respectable families studied there, and on the completion of their course were promoted to captaincies of ships of war. Some of these have now attained to the second and third ranks; some even have had bestowals of reward for bravery. Now, as regards these candidates for the Tien-Tsin school, if such among them also complete their course, I have also decided to memorialize the throne to bestow marks of honor on them. The principal regulations are as follows:

All students, members of respectable families, below the ages of sixteen and seventeen years, without distinction of provinces, capable of writing an ordinary composition or half a thesis, who wish to be candidates, are required to write down their ages, commencing from next year, and also the names of their great-grandfathers, grandfathers, and fathers, and go to the naval school and have them recorded. The superintendent of that establishment will then examine the said candidates and class them according to their examination papers. Now, the scholars of the present hour are the future bulwarks of the Empire, and they will be awarded according to their several abilities. The following are the regulations for admittance of the candidates:

1. Candidates who are admitted are required to produce a written document from parents or guardians stating that they are willing to follow the rules and regulations of the school. They are also required to produce a bond from some of the gentry of Tien-Tsin.

2. Scholars are put on probation for the first three months, board and lodging free; at the expiration of which time those that are retained will obtain an allowance of four taels per mensem.

3. Scholars are to stay in school for five years, during which time they are not allowed to marry or to go to the literary examinations, for fear these might obstruct their proper studies. This regulation must be put in the bond.

4. Scholars in the naval school will study in order that at some future time they may command ships. Those of the engineering school will study how to take care of the machinery of the vessels. After a time they will be required to put into practice their several branches.

5. Scholars of the naval school in every seven days are required to study two days Chinese under Chinese teachers. In the evening the English teachers will take them out and exercise them in naval drilling.

6. In the spring, summer and winter terms deputed examiners will go to the school and examine the scholars, while at the autumn term I will proceed myself to examine them. Those who stand at the head of their classes will be rewarded with commissions, and those who are of lower standard will receive rewards in money, brevet rank, and clothing.

7. Scholars of the naval school have one day's holiday every fifteenth day of the month. Scholars of the engineering school have one day's holiday every first Sunday of the month, during which day the parents and brothers of the scholars will be admitted to see them. Three days' holiday are given on the fifth day of the fifth moon and on the fifteenth day of the eighth moon. Fifteen days are allowed for the new year's holidays. Fifty days are allowed for leave of absence at the death of parents; at their burial, six days. No leave of absence is granted at the death of a scholar's grandparents, uncles, or brothers.

8. Sick leave will be granted only in extreme cases, moderate illness being treated in the school, and such things as medical attendance and medicines will be provided by the school.

No. 71.

Mr. Young to Mr. Frelinghuysen.

No. 78.] LEGATION OF THE UNITED STATES,
Peking, December 18, 1882. (Received February 23, 1883.)

SIR: I inclose for the information of the Department a copy of a proclamation attributed to the King of Corea. This document first appeared in a Japanese native journal, and afterwards in an English Shanghai paper. The Department may have received it from the legation at Tokio with such information, not attainable here, as will enable you to judge of its authority, and if authentic, of its value as an impression of Corean sentiment towards foreigners.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 78.—Translation.]

The King of Corea on missionaries and foreign relations.

(A royal proclamation.)

Our country is situated far away to the east in a nook of the sea, and hitherto we have had no relations or dealings with foreigners; for which reason we have neither seen nor heard very much. We have pursued this policy of jealous seclusion now for five hundred years, during which time we have never swerved from the customs of the days of old. Now, the countries of the West, say, England, France, America and Russia, have invented appliances of the most ingenious and beneficial description, by virtue of which they have attained to great wealth and political power. Their railways and their steamboats pervade the whole face of the land, and all the countries of the world are connected with others by treaty; their balance of power is preserved by standing armies, and their relations are maintained intact by adherence to the principles of international law, just as was the case among the states in the time of the "Chun Tsiu." For this reason China, although she stands alone and pre-eminent among the nations of the world, still makes treaties with them on equal terms, while Japan, which repelled all the advances of foreigners with such austerity, has now formed compacts of friendship with them all. Thus have they both done that which was directly opposed to their own original ideas; in truth, not even their strength was sufficient to withstand the pressure of the times. Well, then, our country, in the spring of 1876, ratified the friendly agreement come to between ourselves and Japan, and promised her to open three ports to trade, and now we have established new treaties with America, England and Germany. This is an innovation, certainly, and there is nothing to be astonished at in the dissatisfaction expressed by our people. But international relations are now of general prevalence; so there is no difficulty in bringing about friendly associations by the employment of right principles and good faith.

The object of a resident minister in any country is primarily to watch over the interests of the merchants who may be settled there: there is no cause for suspicion of any ulterior motives on his part. There is no law or principle in the matter of international relationship, and this is found written in the classics and their commentaries. But there exist certain doltish and stupid scholars, who bear in mind how, in olden days, a feudal state would be ruined by making a compact with another, recklessly setting up this as an illustration, and then urging that Japan should be kept at a distance. Why do not such persons consider that if other people come to our shores in all friendliness, and we receive them as enemies and fight them, all the world would cry, What sort of a nation can that be? If one country stands isolated and alone, it will be bereft of all assistance, and give rise to enmity on the part of all other countries. It will become the object of general attack, and then it will be defeated, and at last ruined, and then its repentance will be great indeed. And what virtue will there be in it?

Those who reason about these matters condemn treaty-making on the ground that foreign nations will contaminate us with their depraved religions. This is because they have pondered so long and so deeply upon the religion of their ancestors. But as regards entering into treaty relations, of course we shall enter into them, and as regards prohibiting the foreign religion, of course we can prohibit it, and in establishing treaties of amity and commerce, we shall do so in accordance with the principles of international law. According to the rules of propriety, it cannot be permitted that religion shall be promulgated in the interior; besides, how can you, who have for so long practiced the teachings of Confucius and Mencius, and bathed yourself in decorum and rectitude all your lives, suddenly abandon the true and embrace the false and bad? Supposing, for instance, there were to be some stupid fellow, some uneducated lout, secretly attempting to diffuse his teachings [in our country]; then we have the law of our state, by which all such shall be exterminated and destroyed without mercy; what reason, then, is there for sorrow on account of our (alleged) inability to deal with such abuses? Moreover, when [these malcontents] see even so little adoption of foreign methods in the direction of mechanism and machinery, they immediately regard that as contamination with foreign heresies. This, indeed, is the *ne plus ultra* of obtuseness! If the [foreign] doctrine is to be regarded as a doctrine of lechery and sensuality, then it can be kept at a distance; if foreign mechanism is advantageous, then we can reap advantage from it and use it to increase our wealth. Why fear, instead of having recourse to, such things as agriculture, sericulture, medical science, medicines, military weapons, ships, and carriages? Let us repel their doctrines, but learn to use or imitate their machinery; both these courses of policy can be carried out, and thus no outrage will be done to propriety. Besides, the strength of foreign nations and the weakness of our own are as far removed asunder as heaven from earth. If we do not learn to use their machinery, how can we withstand the contempt they feel for us, or prevent their covetousness [being directed against our land]? Most certainly are we able to cultivate their principles of government in regard to our domestic legislation, and enter into friendly relations with our neighbors; maintain the integrity and decorum of our own nation while emulating the strength and riches of those outside, so that all, from the highest to the lowest, may enjoy prosperity and peace. How can we delay about it any longer? At present, it is difficult to change those institutions which have existed from time immemorial. The popular will is not fixed. The rising which took place in the sixth moon caused the neighboring country [Japan] to lose faith in us, and has bequeathed a legacy of ridicule of us to the entire world. The prestige of our country has declined from day to day. The indemnity we owe to Japan amounts to myriads of taels. Does not this reflection make you shudder [literally, give you a cold heart]? Was the entrance of the Japanese into our country attended with any results or breach of friendly relations towards ourselves? Yet our soldiers, prompted by unworthy suspicions, sought to oppose them; and their breasts becoming fuller and fuller [of such thoughts], their anger at last burst forth. Thus, without any reason, they themselves were the first to rebel. Think, then, all of you, on whose side was the fault? Now, happily, our arrangements are very nearly finished, and our former good relations stand on a better footing than ever; America, England, and other countries are following on each other's heels [in resorting to our shores], and making treaties of amity and commerce with us, a custom which is prevalent among all the nations of the world, and by no means an innovation of our own. There is, indeed, no ground whatever for any apprehension on this score, and you may, all of you, rest perfectly tranquil and undisturbed.

Let scholars attend diligently to their studies, and the people to their agricultural pursuits; let there be no more talk about "European" and "Japanese" or any further stirring up of sedition and trouble. Although there be foreigners moving about in the open ports, let everybody continue just as quiet as usual, and see to it that you are not the first to make a disturbance. If they begin to insult or annoy you in any way, they will be dealt with in strict accordance with the provisions of the treaty,

so that our own people will not be unfairly treated, and foreigners too will be protected. Alas! the use of a stupid person of his own stupidity is deprecated by the Holy Man; scoffing at high authorities by those under them is a punishable offense according to the laws of the land. To punish without instructing the people is to do them wrong; for which reason I now make this distinct and public declaration. Moreover, now that friendly relationships are being cultivated with Western nations, [I order that] all roadside obelisks, outside the capital, notifying that foreigners are not allowed to pass, be forthwith taken up and removed, as being unsuitable to the new order of things. You, scholars and people, now understand this perfectly. This order is now promulgated under authority of the Government, and is to be placarded in prominent places over the length and breadth of the entire country.

No. 72.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 85.] LEGATION OF THE UNITED STATES,
Peking, December 26, 1882. (Received February 23, 1883.)

SIR: I have the honor to inclose a translation of a treaty made between the Chinese grand secretary of state, Li Hung Chang, and the Corean envoys to China.

This convention has excited much attention among the representatives of the powers which have signed conventions with the King of Corea.

I inclose also a memorandum written by Mr. Holcombe, pointing out the salient points in this convention, wherein it diverges from the existing treaties, and the objections the western powers must advance to its enforcement.

Mr. Holcombe's familiarity with the negotiations which culminated in the treaty signed by Commodore Shufeldt will give value to his analysis as a thorough presentation of the whole subject, and I therefore commend his memorandum to your attention.

* * * * * * *

Taking everything into consideration, the legation will hear with pleasure that the Shufeldt convention has been ratified. I think it very important that the United States should have a footing in Corea, and that, having opened the door, we should not close it nor give any other power precedence.

I look upon all our conventions with these Asiatic powers as tentative. We have very little to lose whether Corea becomes a province of China or is annexed to Japan or remains independent. The only power whose presence in Corea would affect our trade would be Russia, as the policy of Russia would be to open trade channels overland and limit the seaboard commerce.

Our convention with Corea is, commercially, a step in the path of progress, and made, as was our first convention with Japan, with the view of extending into Asia the advantages of our civilization. With the other powers it is political, and is bound up with the aims and schemes of western nations for aggrandizement in Asia. As we have no interest in these enterprises, as we have at heart the independence of these Asiatic nations, I am anxious to see our country in a position where her moral influence can aid in maintaining the existing autonomy of China, Japan, Corea and Siam.

The Shufeldt convention puts us in that position, a position we should not surrender. And any question of trade between Corea and China, or any reciprocal treaty like the one I inclose, is of minor concern, and can be governed by diplomatic action.

I have said that all these treaties are tentative. I think also that the disposition of the Asiatic nations to enter into treaty relations with each other should be encouraged. We cannot expect from the diplomatists of China and Corea that familiarity with the principles of international law which gives sacredness and prestige to the conventions between the western powers; but the Japanese treaty with Corea last summer, and even this extraordinary treaty, are steps towards western ways and laws, and in that have value. These recent treaties have the Oriental quality of imitation in this, that even the faults of western diplomacy, as so regarded by Oriental statesmen, are faithfully copied when they come to deal with one another. If there is one claim, for instance, which they resent and under which they groan as though it were a heavy burden, it is exterritoriality. We regard it as a security against the application of barbarous procedures to our people. The Orientals feel that it is a principle which, when honestly enforced, must in time affect the existence of the Government which accepts it, and that to extend it is to limit the power of the throne, an apprehension which has a basis in logic if not in experience. Nothing would gratify China and Japan more than for the western nations to abandon this right. Yet when Japan and China, who resent exterritoriality forced upon them by western treaties, come to deal with a sister nation, they compel Corea to grant them the same privilege.

I might add further illustrations in evidence; but the point in the whole discussion which seems essential is, that having opened the door to Corea we should go in and do what good we may.

* * * * * * *

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 85.—Translation.]

Commercial and trade regulations for the subjects of China and Corea.

Corea having been, from ancient times, a tributary state, the canons of her intercourse in all matters with the Government of China are fixed and need not be changed. But inasmuch as other nations have now established commercial relations with Corea, it is manifestly expedient that the interdict against intercourse by sea be at once removed, to the end that the subjects of the two nations may reciprocally enjoy the advantages of commercial intercourse. And it is further expedient that the regulations for trade at the barrier between the territories of the two contracting parties be taken into consideration and slightly modified to meet the requirements of the age.

The commercial and trade regulations hereinafter established are, however, to be regarded *as so many concessions on the part of China to her tributary state, and are not within the scope of the "favored nation rule," existing between the several treaty powers and China.*

The following regulations are hereby established:

ARTICLE I. Hereafter commercial agents will be appointed by the northern superintendent of foreign trade to reside at the several ports in Corea which are open to foreign commerce, for the superintendence and protection of Chinese subjects. Such agents shall correspond with Corean authorities upon terms of equality, and shall be treated with all due consideration.

In case grave matters of business arise, in which the commercial agents deem it inexpedient to assume the responsibility of coming to a decision with the Corean authorities, they will report the facts to the northern superintendent of foreign trade, who

will communicate* with the King of Corea, who will direct his council of state to consider and determine the business.

The King of Corea will appoint an envoy to reside at Tien-Tsin, and commercial agents to reside at the other ports in China which are open to foreign trade. The envoy and the commercial agents shall correspond with intendants, prefects, subprefects, district magistrates, and other local authorities at the open ports on terms of equality.

In case difficult questions arise, the commercial agents shall be permitted to make suitable representation to the envoy at Tien-Tsin, who may request† either the northern or southern superintendent of foreign trade to take the questions in hand and dispose of them. The necessary expenses of the several agents of the two Governments shall be borne by each Government for itself, and no extortion or demand for compensation shall be permitted. If any agent of either Government persists in arrogant conduct or manages business in an improper manner, upon communication of such facts either by the northern superintendent of foreign trade or the King of Corea, the agent in question will be at once recalled.

ART. II. Suits at law between Chinese subjects at the open ports in Corea shall be heard and determined by the Chinese authorities. In all civil and criminal cases in Corea, in which Corean subjects are plaintiffs and Chinese subjects defendants, arrests shall be made and the cases heard and determined by the Chinese commercial agents. In cases in which Chinese subjects are plaintiffs and Corean subjects are defendants, it shall be the duty of the proper Corean authorities to arrest and produce the defendants, and, conjointly with the Chinese authorities, hear and determine the case according to law.

All cases at law arising in the ports in China which are open to foreign trade, whether civil or criminal, in which Corean subjects are concerned, either as plaintiffs or defendants, shall be heard and determined by the Chinese local authorities, according to law. The judgment shall be communicated to the Corean agent for record. If the Corean subjects concerned are dissatisfied with the verdict, the high Chinese authorities may be appealed to by the Corean agents to order a new hearing in the interest of justice.

When Corean subjects have occasion to visit the offices of Chinese agents in Corea, or of Chinese local authorities at the open ports in China, in order to lay complaints against Chinese subjects, the constables, clerks, or other servants will not be allowed to extort money or the least compensation from them.

Violations of this rule will be punished with the utmost severity upon proof being laid before the official who is responsible for the guilty party.

If the subjects of either power, whether in their own land or in the ports of the other country which are open to foreign trade, who may be guilty of violation of the laws, take refuge within the territories of the other power upon information communicated by the commercial agents of either power to the local authorities, the latter shall take measures to arrest the guilty parties, and shall deliver them into the custody of the nearest commercial agent, to be returned for trial to their native country. Such persons, however, shall not be subjected to any ill-usage in excess of necessary restraint.

ART. III. The merchant vessels of either power shall be permitted, at the option of their owners, to frequent the ports of the other which are open to foreign trade. Export and import duties and all other customs charges shall be paid as provided by the regulations already agreed to between the two Governments.

If the vessels of either power are driven by stress of weather or stranded upon the coasts of the other, their crews shall be permitted to land at the nearest point in order to purchase supplies and to repair their vessels. All expenses shall be borne by the masters of the ships concerned, and all necessary assistance and protection shall be rendered by the local authorities.

If a ship of either power be wrecked upon the coast of the other, the local authorities shall devise measures to preserve life and property. They shall deliver over the passengers and crew to the nearest commercial agent of the Government concerned, who will return such shipwrecked persons to their native land, in order to avoid the expenses involved in the former rules for dealing with such cases.

If the merchant vessels of either country, not being driven thither by stress of weather or to make necessary repairs, clandestinely visit ports of the other country not open to foreign trade, for the purpose of traffic, such vessels and their cargoes shall be subject to seizure and confiscation.

It is, however, agreed that the fishing vessels of either power shall be allowed to frequent the coasts of Ping An, Huang Hai Tao, in Corea, and of Shantung and Manchuria, in China, for the purpose of taking fish. The fishermen may land at

* The Chinese character shows that this communication is to be on terms of equality. [C. H.]

† Not as an equal. [C. H.]

pleasure to purchase food and water. They shall not be permitted to carry on a clandestine traffic in merchandise, and if found guilty of such conduct the vessel concerned will be subject to seizure and confiscation.

If fishermen are guilty of violation of the laws or regulations of any locality where they land they shall be arrested and handed over to the nearest commercial agent to be dealt with as provided in Article II.

After the expiration of a period of two years from the date of this convention the question of the dues and duties to be levied upon fishing craft shall be taken up and conjointly determined by the two Governments.

[NOTE.—The Shantung fishermen, because the fish are driven over to the Corean coasts, opposite Shantung, by the steamers, go clandestinely in thousands every year to fish among the islands along the Huang Hai Tao, in Corea.]

ART. IV. Subjects of either power proceeding to the ports of the other, which are open to foreign trade, and peaceably attending to their affairs, shall be permitted to lease buildings or land and to construct residences or other buildings thereon. They shall be allowed to traffic in all native produce and other merchandise not declared contraband by law. They shall pay import and export duties and tonnage dues, according to the regulations and tariff mutually fixed by the customs authorities of the two Governments. In addition to such dues and duties, whenever it is desired to transport native produce from one open port to another open port, such produce having paid export duty at the first port shall in addition thereto upon entry at the second port pay half of the export already levied.

Since Corean subjects are permitted by law to trade in Peking, Chinese subjects shall be at liberty to open warehouses at Yang Hua Chin and Han Cheng.* Aside from this privilege the subjects of either power shall not be permitted to transport merchandise into the interior or to open shops there for its sale.

If the subjects of either Government wish to proceed to the interior of the territory of the other in order to purchase native produce, they shall make application through their respective commercial agents to the local authorities, and the two above-named officials will issue a joint permit for the point to which the applicant desires to proceed. He shall be allowed to hire carts, horses, or boats at his option, and will be required to pay all local and *lekin* taxes on the native produce purchased by him.

Subjects of either power desiring to travel in the interior of the territory of the other must make application to the commercial agent concerned, who, with the local authorities, will issue a joint passport allowing them to proceed. If at any point in the interior such persons are guilty of offenses against the laws, they may be arrested by the local authorities and delivered to the nearest commercial agent to be dealt with according to Article II. They shall not, however, be subjected to any ill-usage in excess of necessary restraint.

ART. V. Heretofore trading posts have been established upon the border lines of the two Governments at Icho, Huci Ning, and Ching Yuan, at which points the trade was controlled by officials. Much inconvenience resulted from this system. It is therefore now agreed that trading posts shall be established at Icho and Chamen on either side of the Ya lu Chiang, and at Huci Chun and Kuci Ning on either side of the In Men Chiang, to which the subjects of the two powers shall be freely permitted to proceed for purposes of traffic. At each of these points officials will be stationed by the Government within whose domain it lies to preserve order and collect the revenue.

At the trading posts a uniform *ad valorem* duty of 5 per centum will be levied upon all exports and imports excepting red ginseng. The requisitions heretofore made by the officials at these trading posts for residences, food, &c., are all abolished. Civil or criminal cases at law between the residents on the border shall be dealt with by the respective local authorities according to regulations heretofore made.

The northern superintendent of foreign trade and the King of Corea will respectively detail officers to examine and report minute regulations for the conduct of these trading posts, which will be submitted for the imperial approval.

ART. VI. The subjects of the two powers, whether at the ports open to foreign trade or at the trading posts, are forbidden to traffic in or transport foreign or native opium or munitions of war. Violations of this provision shall be visited with the utmost severity of the laws. Corean subjects are permitted, under existing regulations, to import red ginseng into China upon payment of an *ad valorem* duty of fifteen per centum. If subjects of China clandestinely export red ginseng from Corea without the consent of that Government, the merchandise in question shall be liable to seizure and confiscation.

ART. VII. Heretofore the Government post route between the two countries has been by land *via* Cha Men, and the cost of maintenance has been very great. As the inhibition against intercourse by sea has now been removed, each should be allowed to consult his own convenience and proceed by the sea route. As, however,

* Two suburbs of Séoul. [C. H.]

Corea has neither steam vessels of war or commerce, the northern superintendent of foreign trade will be requested by the King of Corea to appoint for the present one of the vessels of the China Merchants' Steam Navigation Company to make one round trip between China and Corea each month, for which service a certain subsidy shall be paid by the Corean Government. Chinese vessels of war will also cruise along the coast of Corea and visit the various ports for purposes of observation and protection. All contributions by local authorities to such vessels are done away with, and all supplies needed for the vessels will be purchased and paid for by their officers. The officers of such vessels, from the chief of squadron down, will correspond with the local authorities upon terms of equality and shall be treated with all due consideration.

The crews of vessels of war shall be kept under strict control by their officers when they are permitted to land, and not be allowed to molest the inhabitants nor to create disturbances.

ART. VIII. The brief and general regulations as fixed herein shall in the first instance be put into operation in all things stipulated herein, and shall be faithfully observed and kept by the officers and people of the two contracting powers.

Hereafter such additions or alterations as may be necessary will be from time to time discussed by the northern superintendent of foreign trade and the King of Corea, and, when agreed to, will be submitted to His Imperial Majesty for his approval.

Concluded by Chon Fu, customs intendant, &c.; Ma Chien Chung, expectant intendant, superintended by his excellency, Li, &c., &c., on the part of China; and Chao Ning Hsia, senior envoy; Chin Hung Chi, junior envoy; Yü Yun Chung, secretary, on the part of Corea.

[Inclosure 2 in No. 85.—Extract.]

Commercial regulations between China and Corea.

(Memorandum.)

PEKING, *December* 19, 1882.

The Chinese text, from which the foregoing translation was made, was obtained by me indirectly, but was submitted to certain ministers of the foreign office, and pronounced by them to be correct.

As the treaties made by the United States, Great Britain and Germany with Corea are identical in terms, the last two named being merely copies of the first, the comparisons herein made between our treaty with Corea and the Chinese commercial regulations will apply with equal accuracy to the English and German treaties.

If the first sentence in the preamble to these regulations be kept in mind, and the statement that the canons of official intercourse between Corea and China are fixed, be accepted as a fact, as it doubtless is, and it be further borne in mind that the business of negotiating these regulations was carried on in careful conformity to these canons, then much valuable light is thrown upon the question as to the exact relations which exist between the two Governments concerned. Thus the preamble contains no declaration that the King of Corea acted either in his sovereign right, or even of his own option, in the appointment of envoys to negotiate these regulations. And what is far more important and significant, no provision or stipulation is contained anywhere in them for their ratification or rejection by the King. On the contrary, Article VIII provides that the regulations shall go into effect at once, and that in the future desirable amendments or alterations shall be discussed between the Chinese northern superintendent of foreign trade and the King of Corea, *acting as equals*, and that their conclusions shall be submitted to the Emperor of China, to be approved or rejected by him alone.

The natural inference from this provision, and from the general drift and tenor of the regulations as a whole, would seem to be that His Majesty the Emperor directed his excellency Li and the King of Corea to prepare a series of commercial regulations; that these two high authorities delegated this duty to certain subordinates, and that here the power or authority of the King ended; while, as all the negotiations were conducted at Tien-Tsin, his excellency Li practically superintended and controlled not only the action of his own delegates, but of the Corean delegates as well. There is nothing to show that the King of Corea had either voice or independent control in the business beyond the nominal right to name his substitute.

Articles I, V, VII, and VIII provide that in all negotiations connected with the enforcement of these regulations the Chinese northern superintendent of foreign trade is to correspond upon a footing of equality with the King of Corea. The Chinese text of the articles named shows this beyond the possibility of question. If further proof of this fact were needed, it is found in Article I, in which it is provided that the King of Corea, on his part, shall appoint an envoy and commercial agents to

China, and that Chinese commercial agents shall be accredited to the Corean Government, not by the Emperor of China, but by the northern superintendent of foreign trade. Thus, on the part of China, the appointment of commercial agents, or consuls, as we should call them, a prerogative usually reserved to the supreme authority itself, is relegated to a local officer. In other words, these agents are to be appointees of an appointee of the Emperor, and one who, though of high rank, may be removed with or without cause or reason assigned, at the whim of his master.

Article I further provides that the Corean envoy, who is to reside not at Peking, but at Tien-Tsin, shall rank with an intendant of circuit. And this officer, by the various treaties between China and foreign powers, is made equal in rank with a consul. [See Article X of our treaty of Tien-Tsin, and similar articles in other treaties.]

Article I of these regulations also provides that the Corean envoy may be allowed to address either the northern or southern superintendents of foreign trade only as an inferior addresses his superior. This is incontestably shown by the Chinese text. Thus the Corean envoy to China, or more properly to Tien.Tsin, would appear to rank with a consul, or, at the utmost, with a consul-general.

* * * * * * *

Recurring now for a moment to the point already made that these regulations reduce the King of Corea to a level with the Chinese superintendent of foreign trade, it should be added, in order to avoid misapprehension, that this cannot be fairly held to mean an absolute equality of rank or authority. Within certain well-defined limits officials of different rank correspond upon a basis of equality in China. Thus high ministers of state, members of the privy council, correspond upon such a footing with viceroys and even governors of provinces; and what is more to the point, his excellency Li, the northern superintendent of trade, corresponds upon a basis of equality with his imperial highness Prince Kung, who is practically the present head of the Government.

All that is intended to be maintained is that, by these regulations, the head of the Government of Corea is reduced, so far as all official intercourse is concerned, to a level with an appointee of the head of the Government of China. As stated above, these facts throw much valuable light upon the question of the exact relation which exists between China and Corea, and they also raise certain intricate questions which must be determined by our Government in case our treaty with Corea is put into operation, some of which I beg to suggest.

First. If, for purposes of international intercourse, the King of Corea is held as the equal of a Chinese minister of state, what is to be regarded as the status of the President of the United States *vis-à-vis* the King of Corea?

Second. What is to be the basis of official relationship between the diplomatic and consular representatives of the United States in China and the Corean envoy and commercial agents?

Third. What is to be the basis of official relationship between the diplomatic and consular representatives of the United States in Corea, and the Chinese commercial agents to that country appointed by the northern superintendent of trade?

The last clause of the preamble to the commercial regulations, in which it is declared that they are to be regarded as so many concessions on the part of China, "and are not within the scope of the favored nation rule" existing between "the several treaty powers and China," is interesting and might almost be called amusing. As there are absolutely no concessions to Corea found in these regulations which are not already existing in each or all of the treaties between China and the western powers (the recognition of the right of Coreans to trade in Peking excepted), it is quite apparent that this clause was inserted by his excellency Li, under the mistaken idea that it would serve to prevent the application of the "favored nation rule," as found in the recent treaties between the United States, England and Germany on the one hand, and Corea on the other, to the concessions found in these commercial regulations as made by Corea to China, which have not been made by Corea to the three powers named above; and thus to secure to Chinese subjects the exclusive monopoly of certain rights and privileges in Corea. What these rights and privileges are, and their value and importance, will be pointed out in detail further on. It is manifest, without argument, that the clause in question cannot in any sense serve the purpose for which it was intended, and that, so far as the United States are concerned, it can have value only as, and to the extent that, our Government may see fit to recognize it.

Article II of these regulations determines a system of judicial procedure, in all cases in which Chinese in Corea or Coreans in China are concerned. Cases in Corea in which Chinese subjects are alone interested are heard by Chinese authorities; those in which Coreans are plaintiffs and Chinese are defendants are also heard by the Chinese authorities; and those in which Chinese are plaintiffs and Coreans are defendants are heard by the Chinese and Corean authorities sitting as judges, with conjoint

and equal powers. Coreans in China are relegated to the exclusive jurisdiction of the local (Chinese) authorities, the Corean commercial agents having only the right to ask a new trial.

Thus China refuses exterritorial jurisdiction to Corea over Corean subjects in China, and assumes it to an extent never claimed by western powers in this Empire, over her own subjects within Corean territories.

The special interest we may feel in this fact centers in the conclusive answer it affords us to any complaints made in future by China as to the injustice of the exterritorial system as maintained by us here. And a more positive and absolute answer would be hard to find.

While it is true that this article gives to Chinese officials a wider range of exterritorial jurisdiction in Corea than is conceded to United States officers in the same country by Article IV of our treaty with Corea, it would not, in my opinion, be advisable for our Government to seek any modification of the stipulations in our treaty upon this point. Our experience for the past forty years in China has plainly shown that the system of joint tribunals unprovided with any common code of laws or judicial procedure, and in which each magistrate must be guided solely by the statutes and regulations of his own country, has entirely failed to work to the satisfaction of either Government concerned. The system embodied in Article IV of our treaty with Corea has been found by universal experience in China to produce much more satisfactory results, and is now accepted by all the powers having treaties with this Empire. The provisions of Article III of these commercial regulations relative to vessels in distress and shipwrecks are substantially identical with the stipulations of Article III of our treaty, and need no comment.

It now remains to compare the commercial rights and privileges granted by these regulations to the subjects of either power, with those granted by treaty to subjects or citizens of other nations in either China or Corea; and more particularly to contrast privileges granted to Chinese in Corea with those granted by our treaty to citizens of the United States in the Corean Kingdom.

The commercial concessions to Coreans in China are easily enumerated. The ancient right of Corean merchants to trade in Peking is reaffirmed. But it should be stated that this right is very closely restricted. It does not permit them to establish themselves permanently as merchants here, nor even to open shops or warehouses for a single day. All it amounts to is this: whenever the King of Corea sends an embassy of any sort to the Emperor of China, Corean merchants are allowed to come to Peking in the train of such embassy. They can either sell their wares at wholesale to Chinese dealers, or peddle them in person about the streets. And within three days after the departure of any embassy, on its return to Séoul, all the merchants who came in its train are required to close their business and leave this city. In return for this very meager and questionable advantage, Chinese subjects are permitted by Article IV of these regulations to open warehouses and establish themselves permanently as merchants at Yang-Hua-Chen and Han Cleng, which are the west and east suburbs of the city of Séoul. Corean subjects are also allowed to frequent two trading posts established in Manchuria near the Corean border, at Chamen and Huci Chun. And as equivalent to this privilege Chinese subjects are permitted to frequent two trading posts established at Icho and Huci Ning in Corea.

As to other trade privileges in China, Corean subjects are placed at a disadvantage by these regulations even as compared with other foreigners in the Empire. Thus, by Article IV, they are forbidden to transport foreign or native produce to the interior under any terms, and can only bring native produce from the interior to a port upon payment of all local taxes and *lekin*. These two privileges are not only granted to all foreign merchants in China, but they can also commute the inland taxes and *lekin* by the use of transit passes. It is true, indeed, that by this same article Chinese merchants cannot take their wares to the interior of Corea, with the exception of course of the two suburbs of Séoul and the trading posts already mentioned. But it must be borne in mind that there are neither inland taxes nor *lekin* in Corea. Hence, while Corean subjects can only bring native produce from the interior of China at a disadvantage, even as compared with foreign merchants, since the use of transit passes is denied them, Chinese can go at pleasure to any point in the interior of Corea and bring native produce therefrom free from any duties or charges whatever save the export duty of five per centum *ad valorem*. Thus, it is manifest that under the terms of these regulations, the lion's share of the benefits of commercial intercourse between China and Corea will fall to the Chinese. And, as though this were not enough, by Article VII, the Corean Government is required to subsidize a Chinese steamship line, by means of the vessels of which this intercourse will be mainly carried on.

To turn now to a particular comparison of the commercial privileges granted by these regulations to Chinese subjects in Corea, with similar privileges granted by our treaty to citizens of the United States in the same country—

First. Citizens of the United States are permitted to establish themselves at such of the ports of Corea as are open to foreign trade, and to pursue their various callings and avocations within the limit thereof. These ports are understood to be, though not specified in the treaty, those open to the Japanese, namely, Fu-San, Ren-Chuan, and Yung Sing. To these is to be added Yang-Hua, which by the convention of August 30, 1882, with Japan, is to be opened within one year to foreign traffic. Chinese subjects are permitted by these regulations to establish themselves and to follow their avocations at all these ports, and, *in addition to this*, to reside at the two suburbs of Séoul, and at two trading posts, already mentioned, in the interior of Corea.

Second. Private citizens of the United States are not permitted to travel in the interior of Corea. Chinese subjects are allowed, by Article V of these regulations, to travel freely throughout the Kingdom under passports, which, upon application, are to be issued by the commercial agents and local authorities acting conjointly. Diplomatic and consular representatives of the United States can travel under passport in the interior by virtue of a stipulation of the Japanese convention mentioned above.

Third. Citizens of the United States are forbidden either to transport foreign imports to the interior, or to proceed thither to purchase native produce. Chinese subjects are permitted to transport all merchandise of every class to four points named in the interior, two trading posts, and two suburbs of Séoul, and to proceed to any point of the interior, purchase and bring out native produce, paying no other taxes thereon than the export duty.

Fourth. Citizens of the United States are forbidden to transport native produce from one open port to another open port. Chinese subjects are allowed to transport this class of merchandise from one open port to another, upon payment at the second port of one-half of the export duty; that is to say upon payment of 2½ per cent. *ad valorem*.

Fifth. Citizens of the United States are required to pay an import duty of 10 per centum or 30 per centum *ad valorem* upon all goods imported into Corea, according as such goods fall within one or the other of two general classes. Chinese subjects can import the same articles into Corea, *via* either of four trading posts, upon payment of a uniform duty of 5 per centum *ad valorem*. (See Article V, of the regulations.) As these posts are situated on the banks of two rivers of some size, this discrimination may prove to be of serious importance.

Article IV of the regulations prescribes that the subjects of China shall pay, in Corea, duties and tonnage dues according to regulations and tariff fixed by the customs authorities. As it is not known whether these are or are not the same as those prescribed in our treaty with Corea, it is impossible to say whether there is or is not a discrimination against our people upon this point.

To summarize, the following privileges are denied to our people and granted to Chinese in our treaties with Corea.

A.—To reside and trade at four points in the interior.

B.—To travel in the interior under passport.

C.—To take foreign produce to four points in the interior, and to proceed to the interior and bring out native produce.

D.—To transport native produce from one open port to another; and

E.—A discrimination of $\frac{1}{3}$ in one case and $\frac{2}{3}$ in the other to our disadvantage and to the benefit of Chinese importers in the duties on all foreign merchandise imported *via* certain routes into Corea.

No argument or explanation is needed to show the immense value of the concessions made peculiarly to Chinese merchants and their disastrous effect upon any attempt made by foreigners of other nationalities to build up commercial enterprises in Corea. With the right to establish themselves permanently at four centers of trade in the interior; to take thither all classes of foreign merchandise for sale; to scour the country from end to end, under the protection of passports, in search of new avenues of trade, and in the purchase of native merchandise either for the open ports or for export to foreign countries; to control the coast trade in native produce, which last they readily do, as other foreigners are shut out from this trade, and Coreans have no steamships—with all these exclusive rights it is easy to see that Chinese merchants, with their keen scent for gain, and free from all danger of successful rivalry or competition, will soon fill Corea like a swarm of locusts, and any attempt to build up American trade with that country will be futile.

Making all due allowance for the imaginary or real rights of Chinese as suzerain of Corea it still remains true that these commercial regulations are greatly one-sided.

* * * * * * *

CHESTER HOLCOMBE.

No. 73.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 94.] LEGATION OF THE UNITED STATES,
Peking, January 4, 1883. (Received March 1.)

SIR: In my dispatch No. 69, I called the attention of the Department to the action of the Chinese anthorities at Shanghai, forbidding the manufacture of silk filatures by Russell & Co. Dispatches from Mr. Cheshire, the vice-consul-general, show that so far as this special interest is concerned the Chinese have not attempted to enforce their interdict. Mr. Cheshire apprehends that there will be no further opposition to the work, and this opinion is confirmed in a note from Mr. Grosvenor, the head of the British legation, in reference to the silk interest of an English house in Shanghai which had also been menaced.

While this is satisfactory so far as the silk business of Messrs. Russell is concerned, it does not leave the general interests of foreigners, and especially their rights to manufacture at the open ports in as good a position as could be desired. The Chinese have aroused a feeling of insecurity in Shanghai, which will make foreign merchants diffident about investing capital, and render it impossible for Chinese capitalists to take interest in any business under foreign control. As a good part of the Shanghai business depends upon Chinese capital, and as the Chinese, dreading the insecurity of their investments when subject to the exactions of the mandarins, seek for foreign shares with an avidity which often lacks in prudence, the moment it is known that the treaties can not protect foreigners in their manufacturing rights, the business will cease. No Chinaman, however eager for profit, will take shares in a foreign enterprise at the risk of being carried to prison and subjected to the cruel procedures of Chinese law.

The Chinese authorities having carried this point, having practically paralyzed the spirit of enterprise among foreigners and destroyed the sense of security in foreign houses among their own people, do not care about a minor incident like that of Russell & Co. They have practically abrogated the treaty, and there will be no revival, no extension of manufactures at the foreign ports until all is changed.

* * * * * * *

I have now to report the receipt of a dispatch from Mr. Cheshire, informing the legation that the warrant for the compradore has been withdrawn.

* * * * * * *

I have, &c.,

JNO. RUSSELL YOUNG.

No. 74.

Mr. Frelinghuysen to Mr. Young.

[Extract.]

No. 77.] DEPARTMENT OF STATE,
Washington, January 19, 1883.

SIR: The question as to whether Chinese laborers, proceeding from China to a foreign country, or returning thence to China, may be allowed *transit* as simple passengers across the territory of the United States

in the course of their journey, has for some time past had much attention here.

The chargé d'affaires of China addressed me in relation to the proposed return of certain Chinese laborers from Cuba to their own country by the overland route from New York to San Francisco. I laid the matter before the Attorney-General. Considering the subject in the light of the declared intent of the act to execute the provisions of the treaty of November 17, 1880, he has reached the conclusion that, inasmuch as transient Chinese passengers across our territory are not "immigrants," purposing to remain or reside in the United States, and do not come hither "as laborers" to compete with our domestic labor, and as their transit is, moreover, unobjectionable in practice, they do not properly fall within the restrictions of the treaty or statute, and may be allowed transit, under whatever regulations the Secretary of the Treasury may deem necessary to secure the honesty and certainty of the transit.

* * * * * * *

The announcement I have made to the Chinese minister here will doubtless suffice, but it seems well that you should be conversant with the matter, in case it should be made the subject of conversation at the yamên. * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 75.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 115.] LEGATION OF THE UNITED STATES,
Peking, January 29, 1883. (Received March 26.)

SIR: As a further reference to the subject of my dispatch, No. 34, I have the honor to inclose you a copy of a letter addressed to the legation by the Rev. Dr. Hopper, an American missionary long resident in Canton, discussing with clearness and ability many phases of the opium question. I commend the views of Dr. Hopper to the Department, as a part of the history of this agitation. I inclose also several extracts from recent Indian newspapers, giving some arguments on the other side, arguments in favor of the opium trade, as held by the official Indian class.

While the opium trade does not materially concern the United States, we cannot look without interest and sympathy upon the movement to suppress it. This movement received a marked impulse from the anti-opium clause in our recent convention with China. I never see the viceroy Li without his bringing up the question. I always say to the viceroy, and others who refer to the opium trade, that everything is to be expected from the humanity, justice and magnanimity of a Christian people like the people of England. When they come to realize the scope and volume of the degredation imposed upon China by the use of opium, they will suppress it, even if the Indian revenue were twenty times as large. In my latest conversation with the viceroy, I recalled the agitation against slavery in the West Indies, and the victory which came to a good cause after so many years of earnest and disheartening

effort on the part of Wilberforce and his allies. Powerful, also, as the opium interest appeared to be now, it was not as strong as slavery in my own country twenty-five years ago. Public opinion in the end destroyed slavery. Public opinion would destroy opium. It only remained for China to keep her cause steadily before the world, and for the rulers to show the sincerity of their protests by suppressing the growth of the poppy, and throwing every possible municipal restriction round the opium shops.

The calamity to be feared is that the opium habit will take so strong a hold of China that any successful effort to suppress it would be beyond even the power of the Emperor. * * *

The suggestion of Dr. Hopper that a special embassy should be sent from China to England, to negotiate, or I might say, intercede as to opium, is, I am informed, under consideration by the cabinet.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 115.]

Substance of Dr. Hopper's letter to Mr. Young.

There has arisen lately a class of writers who consider the use of opium as a harmless luxury, and some even as a healthful tonic and preservative against malaria. This arises because of $40,000,000 of revenue which India derives from the monopoly of the growth in its own territory and the transit dues which it levies on that which has to pass through its territory to a seaport for shipment to China. All the opium grown in Indian territory is grown for the Indian Government, which has the entire monopoly of its sale, paying the cultivators less actually for growing it than they would realize by the growth of other crops, the Government realizing the whole of the profits. On that grown by the native states of Malva, which have no seaport, the Indian Government levies a transit duty of more than $300 a chest. The Government of India levies just as much as the commodity will bear and not stop its growth. It having been represented that the amount levied for several years past was stopping its growth, it has lowered the amount from 650 rupees a chest to 600 rupees. Yet the same Government which exacts such an enormous transit revenue refuses to allow China to levy transit duty on the same commodity into different ports of China, lest it should operate by the enhanced cost of it to the consumer against the sale of the present quantity of the drug.

There are some points in the discussion as now conducted that need your careful consideration.

1. Sir Thomas Wade, for a *quid pro quo*, agreed in the state paper called "the Chefoo Convention" to permit the Chinese to levy transit duty *ad libitum* (called here "*lekin* tax"). The English have been in possession of what they obtained, but have to this time not given the Chinese what was promised in that convention. Last year Sir Thomas Wade was in conference with his excellency Li Hung Chang for months in this matter of opium, his excellency Li wishing to levy an import of 150 taels per chest, Sir Thomas only consenting to 90 or 100. Sir Thomas was called home to give information to the home Government on this point mainly.

2. The Chinese Government, failing to effect any cessation of its import from India, is trying a most dangerous and ineffectual plan, viz, permitting the native growth, in hopes thereby to supplant the India-grown drug. This scheme has failed in its purpose, the Indian drug continuing to come in the same quantity and to be sold at the same prices, whilst all the native growth is consumed by the multiplication of new victims in the ports where the native drug is grown. Sir Robert Hart, in the preface to the customs pamphlet on opium, estimated the native growth at 100,000 chests, the same as the imported quantity. Mr. Donald Spence, of the English consular service at Ichang, presents facts showing the growth of opium in the west provinces to be 224,000 chests.

Sir Robert Hart fixed upon three *mace* a day as the average daily consumption of smokers, and thus concluded that there were 2,000,000 opium smokers in China. In a paper on "The number of opium smokers in China," I challenged the daily average of three *mace* as too large, and argued for one *mace*. In this estimate Dr. Dudgeon has concurred, as also Mr. Spence. I argued that the facts of the case as presented by travelers and others would lead to the inference that the number of smokers was

at least from ten to twelve millions. On the estimate of 100,000 chests of native growth, there was drug enough to supply that number of smokers, but the amount of native drug as reported by Mr. Spence supplies more than sufficient of the drug for that number, and the number of smokers now cannot be much short of 15,000,000.

3. It is known to you that China has inserted a clause in the treaty with the United States forbidding United States citizens to engage in this trade. A similar clause has been introduced into the treaty with Russia and also with Brazil. The Chinese Government evidently wished in this way to bring public opinion to bear upon England. But England seeks to insure to India the export of the drug to China, and thereby hold the large revenue that she has from that source. To do this the English Government has to secure the entrance of this drug into China, and also has to quiet the agitation that is now going on in England in regard to the morality of the opium trade as now conducted. As to China, England refuses to permit China to discourage this drug by levying a larger duty on it, either as import duty or *lekin* tax, thus curtailing China's right as a sovereign power in her own territory. In England there is a combined effort to misrepresent the evils of the use of opium, and also to misrepresent England's responsibility for the introduction of the vice into China, and for forcing the trade upon the latter country. A strong point which the English will now urge at home is that the quantity imported is small as compared with that which is grown, and, therefore, the stopping of the import would not arrest the consumption of opium, but would only stimulate the Chinese to a more extensive growth to supply the deficiency occasioned by the withdrawal of the Indian drug. To quiet the anti-opium agitation in England, the British Government is directing great efforts. Sir Thomas Wade has been called home to give information. Mr. Baker, who has spent some four years in West China collecting facts on native growth, on his way to England visited the governor-general of India, at Simla, with the object, I have no doubt, of putting the Indian Government in possession of all the facts about native growth. When Sir Thomas went home he called Mr. Spence (who has been in West China since Mr. Baker left) from his station at once, and took him home to England, although Mr. Spence told some of his colleagues in the service that he was called from West China to go to some other port. Putting these three things together, I think a strong effort is to be made to quiet this opium agitation in England as entirely uncalled for, on the ground that the India-grown drug is small as compared with that grown in China.

4. I know full well that the Chinese Government has stated again and again that they only permit the growth of opium temporarily in order to stop import from India, and I believe that so far as his excellency, Li Hung Chang is concerned, it has been done sincerely with that view. But his excellency needs to be shown that it has entirely, or nearly entirely, failed to effect anything in that way, and that it is affecting two most serious results: First, it is causing many of China's friends to doubt his own sincerity in his expressed desire to stop the opium trade, and it affords the defenders of English complicity in the evil the apparently just grounds to say that his great desire to stop the Indian import is that the Chinese Government may derive the whole profit from the native-grown opium. This conviction, if allowed to spread, will quiet the agitation in England and settle the evils of the Indian import *en permanence*. The second evil of permitting the native growth is that it is getting so rooted in the country and raising up such a vast army of opium-smokers in all the provinces that the Government will be no longer able to arrest its growth, even if it should try. The high officials need to have their minds awakened to this matter. This enormous production of the native drug has nearly all come to pass within the last fifteen years.

The American Government having entered into treaty agreeing to forbid its citizens to engage in the import or selling of opium, has a right to remonstrate against such an increase of a trade from which its citizens are excluded by treaty, the United States Government only acceding to such a stipulation on the implied understanding that China was desirous to stop the trade, both external and internal, entirely. But instead of taking any effective measures to stop the native growth it is increasing enormously yearly, with the knowledge of the Chinese Government, and, of course, with its consent.

The Chinese have tried various means to get control of the foreign drug. Last year it was proposed to form a syndicate with twenty millions of dollars capital, which would take the whole of the India-grown drug and pay the Chinese Government 150 taels duty, thus having the monopoly of the sale of it and relieving the Chinese Government of all responsibility for the prevention of smuggling. This was with the condition that 10,000 femer chests should be supplied each year, and thus in ten years the whole import should cease. Sir Thomas refused to agree, and so it fell through.

I have in various ways presented to the Chinese Government that it can only get rid of the opium trade by sending a special embassy to England to represent the evils which China suffers from the opium trade—as the United States sent a special embassy to China to represent the evils it suffered from coolie emigration, and authorize this

embassy to enter into a convention or mutual stipulation that, while England diminishes the amount of opium produced in India for the Chinese market year by year, say, ten or fifteen or twenty thousand chests, China should stop the native growth *instanter* and give England the right to examine as to the fulfillment of this stipulation by the former country.

I hold that if such an embassy were sent to England for such a purpose, the moral sentiment of the world would be so expressed in the newspapers and other ways of expressing public opinion as virtually to force England to accede and agree to such a proposal. But China is so inexperienced in the ways of western diplomacy that she shrinks from proposing such a thing lest she should fail, and thus experience a humiliation before the eyes of many people. But in the present state of the general conscience on this subject at present, such an embassy would be in no danger of failing in effecting such a convention between the two nations. * * * Russia and Brazil, as well as the United States, would be bound by their treaties with China to express sentiments at the court of London favorable to such a convention. All nations are interested in it commercially, because now China expends the whole of the value of the tea and silk she exports in paying for the imported opium from India, and hence has little money to pay for other kinds of imports. But there is every reason to believe that if she could save the money now expended on Indian opium she would purchase to that amount at least of other kinds of imports.

[Inclosure 2 in No. 115.—Extract from an Indian newspaper.]

OPIUM AND THE INDIAN REVENUE.

"Would the extinction of £5,000,000 Indian revenue this very day involve either national insolvency or the imposition of new taxation amounting to cruelty?" This is the question which the Anti-Opium Association has addressed to Major Baring in reply to his budget speech. Of course the association answers its own question in the negative, and it quotes in support of its view the authority of the brothers Strackey:

"It would undoubtedly be possible to increase largely the income of the state without serious injury to the industry of the country, and without political danger, in the event of great financial emergency, such, for instance, as might conceivably, though not improbably, arise if we were suddenly to lose the greater part of our opium revenue, or if the difficulties caused by the fall in the value of silver in relation to gold should attain to very alarming dimensions."

Before going further we would state the figures of the problem with more exactness. The net opium revenue for 1878-'79 was about six and a half millions sterling, and though the Anti-Opium Association, to suit their own purposes, desire to show the revenue as low as possible, and give therefore only the figures for Bengal, yet they do in fact want us to suppress the export from India altogether. This would entail not only the loss of the whole net revenue above stated, but a very large outlay in prevention of export and in compensation to the Malua states. Let us, however, state the loss with which India is threatened by the great anti-opium movement at home (which will, we fear, eventually succeed, unless the Indian Government encounters it much more vigorously than at present) at 6,000,000 net; it will then be but common prudence to consider beforehand how such a loss can be met, whether it befalls us suddenly, at the hands of the imperial Parliament, or whether it comes upon us gradually from the action of the Chinese. The probability is that both causes will act together. We may expect that under popular pressure the home Government will abolish the Bengal monopoly, and will encourage the Chinese Government to raise the tariff duty on opium and to levy the *lekin*, or local transit thereon under the provisions of the Chefoo convention. Also that the Chinese Government, thus assured of British sympathy, will gladly adopt this means of obtaining an enhanced customs revenue, and will at the same time vigorously push on the domestic cultivation to which, of course, the enhanced price of the foreign drug will give a natural impulse. Thus it appears to us certain that, in no long period of time, the Indian revenues must suffer a loss in the substitution of a duty for the Bengal monopoly. The amount realized by China on the opium imports under the present tariff rate is about two millions sterling. Enhancement of the tariff duty and imposition of *lekin* will probably more than double this; and, as most of what is gained to the Chinese Government will probably be loss to that of India, we arrive at the loss stated under the Chefoo convention. Again, the Bengal production, on an average of twenty years past, has been 50,000 chests, which, by a duty of 600 rupees per chest, would yield only three crores. Thus the loss in this measure (allowing for that already reckoned under the Chefoo convention, which would affect the present income under

the monopoly) would be about one and one-half crores of rupees. It is thus a very safe and sober calculation to estimate the probable diminution of the Indian revenues in the matter of opium under the combined action of the home and Chinese Governments at 3,000,000 sterling. From what source is this sum to be made good?

The brothers Strackey have suggested the following possible sources of increased revenue:

Income and license taxes, £1,500,000; registration, £500,000; tobacco tax, £3,000,000 to £4,000,000; sugar, £1,000,000; railway traffic, £500,000.

Of these, however, the principal ones (tobacco and sugar) are condemned by them "as impracticable, except under the pressure of some financial catastrophe so great that it would justify almost any experiment." The license tax already yields eighty-six lacs net, and an income tax yielding one and one-half crores additional is hardly conceivable. A tax on railway traffic would practically come out of the railway returns which depend upon the cheapening of traffic rates, so nothing would really be gained by that. The supposed half million from registration is purely speculative and may be dismissed from consideration. Where then are the three millions sterling to be made up with the loss of which the Indian revenue is threatened? We have answered the question many times before: it is in the pockets of the Bengal zemindars.

The admitted rental of the Bengal zemindars is 18,000,000 sterling, but as estimated by Sir George Campbell, when lieutenant-governor of Bengal, it was "probably more than 20,000,000 sterling." Now, in 1793, when Lord Cornwallis took the tax collectors or publicans of the day and created them proprietors, each in his own circle of collection, their aggregate income or share of the government revenue retained by them in payment for collection must have been far below one-half million. Mr. Justice Cunningham, in his "British India and its Rulers," says: "The revenue in 1793 was about 3,000,000, and as the zemindar's share was fixed at a tenth of the revenue (so fixed from the time of the Moguls), it cannot have been more than between £300,000 and £400,000." No wonder then than Sir George Campbell said of these Bengal land-holders that "we have created in their favor an enormous property which never existed before, * * * a property utterly unknown to any native government"—or indeed to our own English system either. And what have we had for it? Nothing. Mr. O'Kinealy, in his note on Enhancement, attached to the report of the Bengal Rent Law Commission, computes that these "descendants of Calcutta money dealers or of native officials," who, as Mill says, "live as useless drones on the soil which has been given up to them," extract from the ryots a sum which, if capitalized, "represents 165,000,000 sterling taken out of the pockets of the poor and put in the pockets of the rich, and do nothing for them or the country in return." (Cunningham's British India, page 302.) No wonder then that Mill says, "Whatever the Government has given up of its pecuniary claims for the creation of such a class has at the best been wasted."

Though the admitted rental of the Bengal zemindars is stated at thirteen millions, Mr. Cunningham considers that the amount really taken by them from the ryots is at least double that figure. Adding expenses, illegal exactions, the expenses of litigation, and a share of the expenditure on police, the total payments, he considers, do not fall short of twenty-five or thirty millions sterling, and he speaks practically, with the authority of the famine commission. This estimate tallies with Sir George Campbell's, and would show that Bengal ought, at the revenue rates of other provinces, to yield to the imperial treasury eight or nine millions more of land revenue than it does now under the permanent settlement, and what have we in return for the surrender of this vast sum? Mr. Cunningham tells us we have "the creation of a body of landlords who are described as not particularly prosperous, and of whom their warmest advocate can scarcely venture to affirm that they perform any one of the public duties which attach to the corresponding class in England, and of a corresponding class of tenantry whose unsatisfactory condition forces itself with increasing vehemence year by year on the public attention."

Not only is this so, but there has been another remarkable result.

Bengal has nearly one-third of the population of British India, and in wealth and prosperity it represents very much more than one-third of the Empire, but evidently with a land revenue fixed on a scale of ninety years ago, it cannot and does not bear one-third of the public burdens, though it appears to do so, because most of the revenue of opium and customs is credited in Bengal. So far, however, from really bearing its share of the general burden, "the richest province in India has been to a large extent defended, administered, educated, supplied with roads, barracks, hospitals, railways and canals, and relieved in the famine at the expense of the rest of the community. Ryots have been toiling in Madras and starving in the Deccan, in order that gentlemen like the rajahs of Durbhunga and Burduan may enjoy incomes of several hundred thousand pounds a year free from the rude contact of the tax collector's hand."

Of course it is quite out of the question that the whole eight or nine millions of short payment due from the zemindars of Bengal can ever be entirely made good in

future, any more than it can be recovered for the past; but nevertheless a portion may.

There is no other reasonable proposition for making good a loss of opium revenue, and such a loss can and must therefore be met by a revision of the permanent settlement.

The sooner legislation declares that settlement liable to revision, the earlier will it be possible to begin recouping opium losses thereby. It must be a very slow process, a long date will have to be given from the time of the act, before reassessment shall be lawful; and after that date, when reassessment may require to be made, it will have to be very gradual. The doubling of the present Bengal land revenue of three and a half millions, which is the utmost increment that can be hoped for, will necessarily be a very slow and cautious process, extending over a long period of years, probally over a full generation.

[Inclosure 3 in No. 115.—Extract from the Pioneer Mail, an Indian newspaper.]

THE OPIUM QUESTION IN CHINA.

We suppose that in due course of time the falsehoods published throughout England on the subject of the Indian opium trade to China will be discredited by their own virulence; but meanwhile, that they should meet any credence at all is little to the credit of our countrymen's common sense. A Mr. Turner, among others, has published a book in which he typifies the conduct of England, as follows: "The strong man knocks down the weak one, sets his foot upon his chest, and demands, 'Will you give me the liberty to knock at your front door and supply your children with poison *ad libitum*?'"

It is fortunate that the Anti-Opium League are thus overdoing it, for thus we may hope that they will defeat themselves. The British public and the London journals, even the Spectator, must ere long begin to understand that no one forces opium on China, and that no one wants to or does prevent China from taxing opium. Then they will further comprehend that the fanatic's object is to deprive China of Indian opium, whether she wishes it or not; that they not only wish the Indian Government to abandon a most profitable manufacture and export on its own account, but also (as they know that this will only increase the opium supply) they want the manufacture and export forcibly put down altogether, and even the import into China forcibly prevented. And all this at the cost of the Indian taxpayer.

[Inclosure 4 in No. 115.—Extract from the Shanghai Courier.]

THE OPIUM TRADE.

As to the way in which the contraband trade in foreign opium was carried on in China fifty years ago, the Englishman says it at once shows how little would be the gain to morality if the views of the anti-opium agitators were carried out, and explains the dissatisfaction with which the mandarin class regard a system under which the importation of the drug into China is legalized.

The effect of laws which prohibited the importation of opium under pain of death was not to prevent the trade, but to fill the pockets of the local officials who winked at it for a consideration. The demoralizing effects of an irresistible temptation to corruption were thus superadded to whatever evil may have resulted from the consumption of the drug. This temptation would certainly be none the less effective, now that the habit of opium smoking is fifty years older and the number of the population addicted to it has enormously increased. Even if the Government of India were induced to play into the hands of the mandarins by preventing the export of the drug, or the cultivation of the plant itself, the effect would be only a temporary diminution of the supply. Not only would an immense expansion of the cultivation of the plant in China ensue, to the great advantage of the local officials and the detriment of consumers throughout the country, but a powerful stimulus would be given to opium growing in various other countries where climate conditions are quite as favorable to it as in India. Thus, while in China, the cause of morality would suffer rather than gain, the Government and people of India would be impoverished to the extent of several millions sterling annually for the sake of a chimera. The trade checked, it may be for a time, to the advantage of no one except the corrupt Chinese *official* and to the great distress of many, would, in the end, pass into the hands of less

scrupulous or more practical rivals. The peasantry of India would groan under insuperable burdens, public works would be stopped, and the services would be starved for want of funds, and all progress, except all the road to ruin, would be at an end. In the mean time the superfine moralists of Exeter Hall would have the satisfaction of knowing that, however much evil might flourish in China, the British nation at least had no concern in it, and however much misery might have been increased in India, it was amply compensated for by a sense of the virtue of self-denial.

No. 76.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 116.] LEGATION OF THE UNITED STATES,
Peking, January 30, 1883. (Received April 23.)

SIR: In my dispatch No. 69 I had the honor to send you a copy of a joint note addressed by the representatives of the foreign powers resident in Peking on November 17, 1882, to his imperial highness Prince Kung and the ministers of the yamên. This note was a further chapter in the history of the negotiations which for nearly three years have been pending between the Chinese Government and the foreign representatives as to the construction of certain treaty stipulations, and more especially the covenant under which foreigners claim the right to manufacture at the open ports.

The Department has been made fully acquainted with every incident arising out of the discussions, and it is now my duty to inclose a translation of the reply of Prince Kung to our joint note.

His imperial highness contends that the text of the treaty, giving foreigners the right to manufacture, does not bear the construction the foreign powers place upon it. We have held that under this covenant American citizens can engage in any lawful industry and enjoy the profits of their labor. His imperial highness argues that there was no intention on the part of his Government to grant such a privilege. If Americans chose to become mechanics or laborers, or to perform any kind of work, there was no objection on the part of the Government. It was never intended, however, that the results of that work should find a market in China, or even be exported to foreign markets in competition with Chinese manufacturers.

His imperial highness points out that under existing treaties foreign manufactures would not be within the control of the Chinese authorities, but under the provision of exterritoriality would be irresponsible. The inference is that any manufacturing interest taking root in China, competing with ancient and long-established forms of industry, and independent of any authority except that of diplomatic and consular officers, would be a source of danger to China. The Chinese never contemplated such a contingency when the treaties were made, and do not assent to it now.

His imperial highness refers to the efforts of an American firm in Shanghai to establish a cotton yarn manufactory, and explains the reasons why his Government opposed and destroyed that enterprise: First was the general objection to foreigners engaging in any manufacturing business; second, there was a special objection in this, that the proposed American company was in contravention of a patent or monopoly granted by the throne to a Chinese company, giving them the exclusive

right to make cotton cloth in Shanghai for a period of ten years. His imperial highness contends that as China wishes to encourage and nourish a new industry by protecting it under the treaties, no foreigner should be allowed to compete and destroy it. He further claims that the granting a patent or a monopoly by the throne was a proper use of the imperial power and as such should be respected by foreign nations.

His imperial highness insists that the imperial Government has been acting in entire harmony with the spirit of the treaties, and that the foreign powers have no right to claim from China more than the contracting parties have nominated in their bond.

The views of the legation upon these subjects have been so fully expressed to the Department that I shall not trouble you by repeating them. I content myself, therefore, with submitting the latest argument of the Chinese Government. From this you will see that we have really made no progress in coming to a satisfactory understanding. * * *

I do not think that any further steps will be taken by the other representatives, until the question has been considered by the Governments they represent.

I do not see how we can with advantage pursue the discussion beyond this point, until the powers come to an understanding as to how far they will go to secure their undoubted treaty rights; and I am therefore disposed, so far as our legation is concerned, to proceed no farther in the matter, but to submit myself to your guidance as to what the Department feels to be our rights under the treaties and the best means of securing them.

The general questions discussed in the dispatch of his imperial highness, and the special incident affecting Mr. Wetmore and his cotton yarn company, the legation holds to be different and distinct propositions. While I am willing therefore to let these questions rest in abeyance until the Department in its wisdom decides what is best to be done, I shall continue to insist that whatever may be the result of our discussions as to the construction of the treaties, even if we granted every point for which his imperial highness contends, the treatment of Mr. Wetmore * * * cannot be overlooked in the interests of that unity and good will which have so long existed between China and the United States.

To this I shall refer in a subsequent dispatch. In the meantime, trusting that the course taken and proposed to be taken by the legation will meet with your approval,

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure in No. 116.—Translation.]

Foreign office to the foreign ministers.

PEKING, *January* 22, 1883.

(KUANGSÜ, *Eighth year, Twelfth Moon, Fourteenth day.*)

In the course of the tenth moon of the current year (November, 1882), we had the honor to receive a joint note from their excellencies the representatives of the treaty powers residing at Peking, in which three different points were discussed at length, viz:

1. That the expression "industry" (Chinese, *kung tso*) contained in the treaties, referred to the permission of subjecting native produce to a manufacturing process; 2. That foreign merchants, on paying the same duties as Chinese merchants, were at liberty to resell, according to their own pleasure, at the ports, native produce pur-

chased by them; 3. That certain manufacturing monopolies lately granted, were not in accordance with Western usages in reference to monopolies.

The general tendency of the joint note, therefore, was to claim for foreign merchants certain advantages which for more than twenty years they had not been enjoying, a claim which, if granted, would in reality cause the livelihood of many hundreds, nay, thousands of Chinese merchants, a livelihood which they had been enjoying from the very beginning, to be encroached upon and seriously damaged.

We shall therefore now take the liberty to expound the matter to your excellencies at length, according to the treaties. The seventh article of the French, the sixth article of the German, and the eleventh article of the Belgian treaties grant the right of "living" or "residing," "trading," and "working" "in peace" and "without hindrance."

These are general expressions. In later paragraphs the special condition under which houses may be built in order to live in them, under which goods may be purchased and sold, and under which laborers may be engaged for working purposes, are explained at more length in separate articles. If, now, your excellencies say that, as the engagement of workmen is mentioned in another article, the expression *kung tso* must refer to something else, we beg to ask whether in this case the right of "living," or "residing," and "trading," must likewise refer to some other matters? This alone suffices already to show that the expression *kung tso* cannot be explained as being identical with "subjecting native produce to a manufacturing process." If, further, the Khang-hi dictionary is referred to with regard to the meaning of the character *kung* we find there that it means "skilled in his own works," and further a 'mechanic," or "artificer." All these explanations evidently refer to people living bythe work of their hands, but they do not refer to produce wrought into new articles by a manufacturing process. Even the French word *industrie*, which in this passage of the treaties is the French translation [*sic*] for the character *kung tso*, is explained as meaning "the skillful execution of some handiwork," or as meaning "a craft or handiwork by which somebody gains his livelihood." The meaning of the French term, therefore, even in its widest application, does likewise not clearly imply the act of subjecting native produce to a manufacturing process. Only by a forced interpretation, therefore, this meaning can be found in the terms in question or rather imputed to them. Though further it is stipulated in the French treaty that the original text shall be decisive for the interpretation [*sic*], still in the English as well as in the Danish and German treaties, it is said that the Chinese and English and the Chinese and German texts, respectively, had been carefully compared and found congruous. And in the treaty of the Netherlands, as also in the Italian and Spanish treaties, there are articles according to which the text in its own language shall be decisive for each party, and "each party shall consider the text in its own language as the authentic one." The Chinese Government under all circumstances must be guided by the Chinese text, and the meaning of the expressions *kung tso* and *industrie*, in Chinese as well as in foreign languages, is clear enough and easy to understand. And herein lies one proof that this term cannot be adduced as an argument for the claim of being permitted to carry on manufacturing professions of the kind above specified. As regards articles of international commerce, nothing is more minute in all its details than the tariff. Now, native produce may be purchased by foreign merchants in the interior; it may be exported by them; it may be carried coastwise by them. Therefore there is a transit duty; there is an export duty; and there is a coast-trade duty; but the treaties may be searched everywhere and no "sale-within-port duty" will be found in them. If therefore it is suddenly maintained at present that on paying the same duties as Chinese merchants a sale at the ports may take place, this is an endeavor to augment the stipulations of the treaties which have been carried out everywhere since many years, by the introduction of this new practice. To allow this to be done without further notice is impracticable indeed.

According to the fifth article of the "general rules for the Yangtse," further, goods which are not imported have to pay two and a half times the tariff duty. Also, his excellency Mr. Von Brandt, in his former negotiations with the yamên, agreed that goods bought under transit pass, if not exported, should be fined by paying two and a half times the tariff duty. If, now, permission were granted to manufacture new articles and to sell goods at the ports, who would henceforth care to export the original produce? Consequently the duty already agreed to in principle, equal to two and a half times the tariff duty, would lose the elementary conditions of its existence. And would not the stipulations of the treaties be rendered nugatory? Herein, therefore, lies another proof that, carefully considering and studying the matter in the light of the tariff, there are likewise the gravest objections against permitting native produce to be subjected to a manufacturing process. It must be borne in mind that, when Chinese subjects let "merchants" (but this term is of wider application in Chinese than in foreign languages) begin to manufacture articles for sale, the permitting them or forbidding them to do so depends solely on the decision of the authorities.

Now, as foreign merchants in the open ports of China, and in the interior, are not, in the same way as Chinese merchants, under the jurisdiction of the Chinese authorities, it is of course impossible to deal with them in the same way as with Chinese merchants. When Chinese merchants beg to be allowed to do something, either permission may be granted to the one and refused to the other, or permission may be granted at first and then retracted, merely according to the independent resolves of the Chinese authorities, without any interference on the part of the consuls in the Chinese ports.

Now, as regards the association of Chinese merchants at Shanghai for manufacturing cotton goods, this is quite a new undertaking for China [literally, "an undertaking which now for the first time is seen in China"]. The high provincial authorities, in consideration of the great efforts made by the members of this association in trying such a thing for the first time, have sanctioned the undertaking and reported in this sense to the throne—and lest dishonorable merchants [literally, "merchants having no regard for what is honorable], seeing that others had successfully commenced something, should try to wrest their lawful profits from them by competition, the provincial authorities have further granted to the association a term of ten years, within which others should be forbidden to form a similar association by the competition of which the interests of those who had made the first trial might be seriously damaged. The action of the Chinese officials in this case has therefore been based on a careful consideration of the special circumstances of the matter, and at the same time guided by a desire to guard against future abuses. How, then, could it be said that the provincial authorities had thereby usurped rights not belonging to them, or that they had been guilty of a one-sided partiality?

As regards foreign merchants, their profits from import and export trade, in conformity with the last twenty-odd years, have been considerable enough; why, therefore, should they now again be permitted to compete with those Chinese merchants who, by way of experiment, have formed an association? And how further can it at all be permitted on Chinese territory, the regulations on native produce not having been at all convened and put into practice to manufacture other articles out of cotton thread, raw silk, and the like, for the purpose of selling? And herein lies another proof that, on considering, and carefully, the matter from the standpoint of Chinese commercial interests, there are likewise the strongest objections against permitting foreign merchants to subject native produce to a manufacturing process.

To resume, those things that are unmistakably pointed out in the treaties have already for a long time since been everywhere put into practice, but as regards those things that are not pointed out in the treaties with unmistakable clearness, they can only be made a subject of mutual deliberation, after it has been proved that they are not detrimental to either party. The former negotiations of his excellency Sir Thomas Wade, when he agreed to the *lekin* and tariff duty on foreign merchandise being simultaneously levied, had already led to a mutual understanding, and though on account of the opposition on the part of foreign merchants the matter has come to a standstill, yet difference of opinion there is none with regard to it. The negotiations of his excellency Mr. Von Brandt on native produce have likewise been successful with regard to the main points; only in the matter of the fabrication of new articles by a manufacturing process the treaties contain no express stipulation permitting such a thing to be done; the vital interests of the Chinese merchants are affected thereby; we have reiteratedly conferred on this point with their excellencies the superintendents of trade for the northern and southern ports, and with the high provincial authorities of the Empire, and they say with one voice that this can by no means be conceded. Therefore, after the most mature and frequently repeated consideration, our yamên has come to the conclusion that it is really quite impracticable to agree to it.

Their excellencies the representatives of the treaty powers are all of them intuitively acquainted with the spirit of the treaties; they know perfectly well that it is the right and duty of all Governments to protect the commercial interests of their subjects. On the other hand, in all matters brought before us by any one of the foreign representatives, our yamên has always been animated by a desire to act in a manner consistent with the existing friendly relations: that is to say, mutual regard for each other's interests and a wish to uphold amicable intercourse, have always been the bases of our action. But if things which are utterly unfeasible shall be forced upon our acceptance, we think that not only the Chinese Government is not in a position to negotiate on such measures, but, generally speaking, no country in the world can justly force a friendly power to disregard the commercial interests of its own subjects; and even if a question of this kind were submitted to the Government of the country specially concerned, or to the Governments of other countries, we are convinced that they would judge of it in a spirit of equity.

We beg all their excellencies, the representatives of the treaty powers, to consider our above remarks maturely and with impartial minds.

The PRINCE OF KUNG and the MINISTERS OF THE TSUNG-LI YAMÊN.

No. 77.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 120.] LEGATION OF THE UNITED STATES,
Peking, February 4, 1883. (Received April 23.)

SIR: In my dispatch No. 69 I sent you a copy of a note addressed by the legation to his imperial highness Prince Kung, concerning Mr. Wetmore's interests in Shanghai, and discussing the right of Americans to engage in manufactures at the open ports.

I have now the honor to inclose a copy of a reply from his imperial highness and my answer to the same. * * * The position of the Chinese Government on this question of the rights of foreigners to manufacture is expressed in these various communications with more frankness than has yet been shown. It is not now so much a difference of opinion as to the construction of treaty phrases as the dread of danger to the laboring interests and the revenues of China from the introduction of foreign machinery. His imperial highness points to our tariff system and our protection of home industries as a precedent, and intimates that any policy of commercial exclusion on his part would be following our example.

According to the prince, we impose a heavy duty upon certain manufactures in order that their unrestricted import should not interfere with our own laborers. China, on the contrary, imposes light duties. The question of manufactures is one involving, first, the revenues of the Empire, and second, the welfare of the working people. If, for instance, there should be an uncontrolled manufacture of cotton, silk and satin at a port like Shanghai, the foreign machinery would so far surpass the antique and clumsy methods now in use that millions of Chinese weavers would be thrown out of employment. This argument is presented with even more feeling in the letter addressed by the viceroy of Nanking to the vice-consul-general.

> Chinese [says the viceroy], require many days to do what a foreigner can do in a few minutes. Chinese use much labor and expense, whereas the foreigner, saving money and time, can sell at any price. Of course we cannot compete with him. The consequences would be that the Chinese workmen would give up working, and what could I do with all these millions of men who have lost their work? The stronger would become the robbers, and the weaker beggars, and the local authorities would not be able to keep them in check. They would be robbing and stealing, and the state of affairs would be worse every day.

Of course, the only reply can be, "Here is the treaty and we stand by it." At the same time there is something pathetic in the viceroy's appeal. While the fallacy of these apprehensions is known to students of modern political economy, we should remember that the knowledge only came in recent years, and that there are even now ruling minds in states of the highest civilization who hold the opinions of the viceroy and the cabinet. The history of commerce and trade is the history of a struggle between these arguments and a more enlightened publi opinion. The invention of the spinning jenny, to take a single illustra tion, which revolutionized the cotton industry and laid the foundatio of the stupendous trade in cotton which England now controls, led t riots. Mobs of anxious weavers, moved by fears like these which ag tate the Nanking viceroy, searched the country and destroyed ever spinning jenny that could be found.

It is difficult to answer or remove apprehensions of this nature, but in my response to his imperial highness I pointed out their groundlessness, and even intimated that there was more reason for fear on the part of the western nations as to the effects of improved machinery in Chinese hands upon their own industries. The cheapness of labor, the thrift, patience, industry and skill of this peculiar people once applied to the manufacture of cotton and silk by the methods used in England and France, would make it difficult for Manchester and Marseilles to hold their own. I note an apprehension of this kind in California in the form of a new movement demanding that Congress should prohibit the importation of all Chinese manufactures.

There is another feature in this correspondence worthy of scrutiny. His imperial highness sent recently to the foreign legations a reply to our joint note upon the construction of the treaties. It formed an inclosure to my dispatch No. 116. He now sends a special note to the American Government. It is an entreaty as well as an argument. It is an appeal to the United States to look with humanity upon China, and not join with the other powers in forcing upon her a policy which her rulers believe would mean privation to millions, the disintegration of her social system, the disbandment of her laboring classes to be no longer patient, law-abiding workingmen, but driven to beggary and rapine.

The Department will, I trust, consider that my reply to his imperial highness shows that the legation is not indifferent to this appeal, and not unwilling to consider the embarrassments of statesmen called upon to govern a vast population. At the same time this opens a large question and one that cannot be too carefully studied.

The legation, as you are aware, in dealing with China, has, by a custom that now has almost the force of law and tradition, acted in harmony with the other powers, furthering what is known as the policy of co-operation. Many advantages have come from this; foreigners have stood upon so uncertain a ground that union and confidence in each other became necessary for their protection.

I am disposed to believe from the tone of this dispatch that China would like us to abandon this policy, as we did in Japan, when we signed our latest convention with the Mikado. So far as it means the union of the foreign powers to maintain treaty privileges and protect their citizens against a vast, impulsive, suspicious population, it is the instinct of self-preservation, and we have had as much to gain by it as any other power. There was in some respects a departure from it when we inserted the opium clause in our treaty. * * *

The Government with whom we have been most in sympathy is Germany. This goes back to 1869, as you will see in a dispatch addressed by Mr. Fish to Mr. Bancroft, No. 148, and dated in August of that year.

The German chancellor, Bismarck, as it there appears, was anxious that America and Germany should act together in Asiatic questions, and Mr. Fish assented so far as to unite with the Germans in their efforts to obtain from China a port or an island as a coaling station. He also used his good offices to induce France during the war with Germany to consent to a neutralization of the Pacific Ocean, although the effect of such an act would have been to the advantage of Germany as the smaller naval power. In recent years Germany has shown activity in the East. Her policy has been eager, decisive, and peremptory, going so far within the past few weeks as to land troops on Chinese soil, and prevent the Chinese from carrying out their interpretation of the treaties. The advance of German influence in the East has been marked and

steady. As Germany has never shown any yearning for colonial acquisitions, and her commercial interests in China are much less than those of England and the United States, I am disposed to regard her vigorous interference in Asiatic affairs as an expression of the national energy. * * *

England has large interests in China. She has the greater part of the carrying trade. She is bound to protect her opium monopoly. It is necessary for that protection that she should watch and direct every change in the fiscal system of this Empire. * * * The dispatch of Prince Kung, and the firmly expressed opinion of the Government, leave two courses open to the Department. The first is to stand by the treaties, and exact their scrupulous observance. The second is to take counsel with China as to her hopes and fears concerning foreign manufactures and make a new convention, granting her request for their suppression.

All of this is for the Department in its wisdom to determine. It only remains for the legation to insist upon the treaties and to protest against the extreme unfriendliness of such an action as the interference by the viceroy of Nanking with Mr. Wetmore's business in Shanghai. In all our discussions with the cabinet it has been my aim to keep these two questions apart, namely, our rights under the treaties as they are, and China's undoubted right to ask for an amendment of any covenant which experience proves to be oppressive.

In this spirit I have asked his imperial highness to consider the gravity of the recent transactions in Shanghai, about which I have written you so fully, and to note the sense of wrong felt by the legation as to the conduct of the provincial authorities. I have done this most disagreeable duty with reluctance, and trust that my manner of doing it will meet with your approval. I have the utmost sympathy and respect for the perplexities of statesmen, who have the severest task in the problems of government ever given to the rulers of men. I value the desire of the Chinese to be on terms of close intimacy and friendship with the United States, and their wish to seek our counsel and aid. I believe in the sincerity of this feeling, and that its encouragement will add to our influence in Asia. This has been my constant aim in performing the duties of minister, and I am strengthened in it by the knowledge that it expressed the wishes of the Department. You can, therefore, understand the regret with which it has been my duty to address the cabinet the dispatch which I inclose. I could not feel, however, that any less firm a tone would have been consistent with the dignity of the Government. I am in hopes that the prince will see that the emphasis with which I dwell upon the conduct of his subordinate officials is not inconsistent with a sincere friendship for China.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 120.]

Prince Kung to Mr. Young.

PEKING, *January* 22, 1883.

Upon the 24th November I had the honor to receive your dispatch in respect to the contemplated establishment of a cotton-yarn company by foreign merchants at Shanghai. In it you remarked that you could not accept the interpretation put by this office upon the words *kung tso* as found in the treaties; that the equivalent expression as found in the foreign texts was very broad, and included all the various avocations

pursued by the several classes of men; that if this were not conclusive, further evidence existed in the fact that all the treaties contained a stipulation allowing foreigners to employ all classes of Chinese laborers at the open ports, and hence to allow them to engage in manufactures, &c.

In response, I beg to say that as I have addressed the several foreign representatives, expressing at length my views as to the meaning of the phrase *kung tso* found in the treaties, it is unnecessary to repeat that here. But as in the matter of the cotton-yarn company at Shanghai you hold that this phrase *kung tso*, as found in the treaties, authorizes the manufacture of native produce by foreigners, I must go further into the argument in order to supplement my earlier dispatch in points not therein touched.

While, then, the phrase *kung tso* is exceedingly comprehensive in its meaning, it must be understood to refer exclusively to manual labor, and cannot be held to include also the materials to which that labor is applied. In regard to the monopoly granted for a term of ten years to a Chinese company for the manufacture of cotton cloth, this action was taken under a decree from the throne by the northern superintendent of foreign trade, and was not an arbitrary assumption of power by local officials; appropriate regulations were framed to prevent other parties from engaging in such an enterprise, and these regulations included not only foreigners but also Chinese in their application. Hence, there was no discrimination against foreigners.

Your dispatch maintains that the establishment of the cotton-yarn factory would work no detriment to the customs revenues nor to native industries. It is a manifest, well-established fact that the rate of duties levied upon foreign imports in all countries has a close connection with the prosperity of the native industries in such countries. Thus your own Government, in order to develop its manufactures, levies a heavy duty upon all imports from foreign ports, to the end that native manufactured articles may not suffer by the competition in point of price. The tariff of duties as fixed between China and foreign powers is exceedingly light, and having been fixed, a change would be difficult. As foreign profits are very large because of this light tariff, therefore no permission to manufacture was embraced in the treaties, and in view of the interests of the revenue and native industries it would be difficult to grant any such permission now. Suppose, for example, foreigners were allowed to undertake the manufacture by machinery of silk and satin goods at the ports in China, the revenues of the Government would not only suffer, but a serious competition would arise with all Chinese who are exclusively engaged in silk manufactures with manual labor, and who depend upon the profits of this industry for the support of their families; and as a result they would be deprived of all means of support by the destruction of their business.

Your excellency will consider this question with an impartial mind, as though China were your own country, and you cannot fail to agree with me as to the merits of the controversy without further argument on my part; and I must beg you to instruct your consular authorities to notify the parties in interest to cease from the project in contemplation. This will be in conformity with the spirit of the treaties and will not interfere with the means of livelihood of Chinese subjects, and thus Chinese and foreigners, merchants and people, will each be allowed a means of support, which is an end much to be desired.

[Inclosure 2 in No. 120.]

Mr. Young to Prince Kung.

YOUR IMPERIAL HIGHNESS: I am in receipt of the note of your imperial highness and their excellencies, the ministers of the yamên, dated January 22, 1883. In this note your imperial highness reaffirms the construction placed upon the treaties as to the meaning of the provision under which foreigners claim the right to manufacture at the open ports. You contend that the right therein granted was simply the privilege to engage in manual labor, but not to establish manufactures or to pursue any profitable industry.

You claim that Mr. Wetmore, in starting his company for the making of cotton yarn in Shanghai, was infringing upon a patent or monopoly granted by the northern superintendent of trade for the weaving of cotton cloth, and that his enterprise was therefore illegal. You call attention to our tariff system, and hold that the American policy of protection is one that China has a right to adopt in regard to her own industries. Finally, you express the apprehension that, should foreign manufactures, with the appliances of modern machinery, be permitted in China, the result would be disaster, ruin, starvation to millions of your countrymen. You ask me to consider these arguments with an impartial mind, and to issue orders to American citizens forbidding them to engage in manufactures.

I will say in the beginning that my Government is anxious to consider well, and in

a spirit of sympathy and friendship, the problems attending the government of a vast population, and that it asks of China no advantage which it would not strive to return. In the same spirit let me revert to the various arguments contained in your dispatch.

1. The meaning of the treaty under which foreigners claim the right to manufacture at the open ports is clear. The explanation of your imperial highness is not sustained even by the accepted standards in your own language. There can be no question as to the French text, and that version, as your imperial highness is aware, must be taken as expressing the true interest of the parties in covenant. This view is strengthened by asking what was in the mind of the signers of the treaty. They meant to secure for their countrymen the privileges which are claimed, the right to manufacture and to enjoy the fruits of their labors. They felt that the exercise of that right would be an advantage to China, adding to her wealth, her revenues, her productive power. There was a tangible purpose in that, something that could be expressed in a treaty, and which statesmen would regard as worthy of a place there. Your imperial highness merely understands that this provision grants foreigners the right to engage in manual labor. No statesman would have signed so frivolous and valueless a provision. What we claim now is a natural, intelligible privilege. What you concede is nothing, and no such concession was ever in the minds of the signers of the treaty.

2. As to the proposed company for the manufacture of cotton yarn in Shanghai, your imperial highness says that this company was opposed because it was in contravention of a patent or monopoly granted to a Chinese company by the superintendent of northern trade. To this answer must be made that such a monopoly is not in accordance with the treaties Some consideration must be given to the argument that, in granting this privilege to the Chinese company, you are following the patent system in force in many western countries. It is a satisfaction to see this recognition of the advantage of a patent-law system. A policy of this kind, generous and comprehensive in the benefits of which all could share, would be regarded with favor by the United States. If such a system had been in existence, if Mr. Wetmore had known that, in venturing upon his enterprise, he was violating a law or a right, he would never have made the experiment. The hardship, so far as he is concerned, lies in this: Having in good faith, relying upon the treaties and the protection of your Government, entered upon a calling that would have benefited Shanghai, having in doing so incurred expense and trouble, he was suddenly forbidden to continue his arrangements. If China will adopt a patent law in consonance with the treaties, the nature of which all men can know, honest, well-meaning merchants like Mr. Wetmore will not be embarrassed But to promulgate a special law as an injury to a foreign interest is not a friendly proceeding, nor is it the way to establish a patent system that will benefit China and meet the recognition of the treaty powers.

3. Your imperial highness contends that China, like the United States, should be permitted to protect her own manufactures. My Government would never deny that undoubted right to any sovereign power, and has ever been willing, as was shown in the recent convention with Japan, to deal with the eastern nations in the most liberal spirit. But a policy of protection is one thing and a policy of exclusion is another, and we should look with concern upon a fiscal system in China which, under the pretense of fostering certain industries, was in reality closing the country again to the advantages of western civilization. In this, however, we are governed by the treaty. If the treaty proves burdensome and oppressive to China in the commercial system, the true way is to make representations to my Government through your legation. As the treaty now stands, all that remains is for us to observe it.

4. Your averment that the introduction of foreign machinery into China, and especially for the working in silk and cotton, would deprive millions of their livelihood and lead to endless disasters, I note with interest and sympathy. My Government would feel that we were doing China a most unfriendly act to propose such a policy, and would disdain any advantage that would bring misery upon your people. If the use of foreign machinery is fraught with such terrible consequences, I might ask your imperial highness why a monopoly has been granted to a Chinese company to introduce into Shanghai the appliances whose advent is so much deplored. With that, however, I have no concern; and I pass to the higher question involved. I do not see any reason for the apprehensions of your imperial highness either as to the effect of the introduction of machinery upon your industries, or as to the skill and ability of your countrymen in holding their own against competition. The same fear, namely, that improved machinery would ruin labor, has been felt in other nations, in England, France, and the United States. There is scarcely a labor-saving invention now in use that has not met with the opposition of the working classes; in some cases with riot and bloodshed; and yet experience has invariably shown that the effect of new inventions has been to help the workingman and add to his ease and comfort and worldly advantage. Your imperial highness has only to look at what your countrymen have done in Hong-Kong, Siam, and Burmah, the East Indies, Neth-

erlands, and California, to feel assured that Chinese industry and thrift can maintain themselves against any opposition, and that you have no reason to dread the introduction into China of the ingenious agencies of western science and art. I am convinced that the more this question is studied by your imperial highess you will fine that the policy laid down in your dispatch is based upon a wrong conception of thd laws of industrial prosperity, and that experience will also show, as the history of civilization clearly teaches us, that the adoption of a generous commercial and fiscal system will not only benefit the laboring classes, but add to the wealth of the nation and the revenues of His Majesty.

Having thus considered in a friendly spirit the points presented by your imperial highness in response to my note, it is my painful duty to call your attention to certain incidents and transactions in Shanghai which the legation must regard as the expression of unfriendliness towards our Government, an interference with the treaty rights of an American citizen, and an abuse of the forms of Chinese law to destroy American interests.

I have had occasion to call your attention to the proposed enterprise of Mr. Wetmore, an American merchant, doing business in Shanghai, for the manufacture of cotton yarn. Your imperial highness, in a dispatch dated October 18, 1882, gave your reasons for regarding this scheme with disfavor, and to this the legation replied in a dispatch dated November 23, 1882. I have not pressed the discussion of the questions which arose in these dispatches, because they were involved in the negotiations now pending between your imperial highness and the diplomatic body, as to the real meaning of the treaties under which foreigners claim the right to manufacture. The final decision of that debate and the ultimate accepted interpretation of the treaties will determine the right which Mr. Wetmore claims. I have permitted Mr. Wetmore's case, therefore, to rest in abeyance, and not without reluctance, because he has suffered annoyance and pecuniary loss, and has been treated with injustice. I felt, however, that every consideration was due to the embarrassment of your imperial highness in determining an intricate and important question.

Matters were in this position, all questions in controversy the subject of friendly correspondence, all parties seeking an honest and amicable understanding, when news came to the legation that a secret order had been issued by the viceroy at Nanking for the arrest of the compradore of Mr. Wetmore's firm and his removal to Nanking to be tried for having taken part in the Taiping rebellion.

If this compradore had committed any crime against China, and more especially against the person and authority of His Majesty the Emperor, it would have been the duty of American officials not to have interfered with the execution of your laws. Mr. Wetmore, however, represented to the legation that the compradore had been in his service for many years; that he was a man of character and fidelity, kind to the poor and loyal to the throne. His arrest, considering the important position of a compradore in foreign business houses, was another injury to the business of Mr. Wetmore, which had already suffered from the action of the taotai in publicly forbidding Chinamen to invest in the shares of this company. Mr. Wetmore further averred that the charge against the compradore, namely, that he had taken part in the rebellion, was frivolous and false, and that the real motive for the viceregal warrant was to punish the compradore for having taken shares in his employer's company. It was difficult to believe that a merciful and magnanimous Government would seriously think of punishing an humble compradore who had never left his house, had performed all the duties of a good citizen and faithful subject, and had never before been charged with complicity in a rebellion which was suppressed seventeen years ago. It was equally hard to believe that so eminent a man as the viceroy, his long life rich with services to the state and crowned with honor and dignity, could permit such a charge against a fellow subject merely because he had made an investment in an American company.

While the motive inspiring the warrant was in doubt, this legation, refusing to credit the suspicions of Mr. Wetmore as to its integrity, there came further evidence to show that the real purpose of the viceroy in issuing it was to punish the compradore for taking these shares, and thus by an act of injustice and terror prevent other Chinese from following his example. Proposals were made to Mr. Wetmore to the effect that if he would sign a bond agreeing to withdraw his company and return the money advanced by the shareholders, the warrant against the compradore would be withdrawn. I inclose for the information of your imperial highness copies in Chinese text of these propositions.

These proposals left no doubt upon the mind of the legation as to the animating cause of the viceregal warrant, and were read with astonishment and indignation. If this compradore had been guilty of the crime charged against him, if there were reasons to suppose him guilty, and the Government was no longer disposed to view complicity in the rebellion with mercy, then justice should have had its course. To propose to arrest justice and allow a grave crime to go unpunished, merely because the criminal withdrew his shares in a certain company, was a degradation of your

law. To do this, to injure an American citizen, was an act of violence in the highest degree unfriendly to my Government, and an infringement of the letter and spirit of our treaties.

This act was followed by other decrees. The first was a mandate forbidding Chinese houses from using the electric light; then came a decree directing the house of Russell & Co. to cease the manufacture of silk filatures.

The result of these orders was that the compradore was taken before the taotai and discharged. The decrees against the electric light and the silk filatures were withdrawn. But the effect was to inflict upon Mr. Wetmore great loss and damage and to do so in a way to bring contempt upon your laws and compel us to question the candor and friendship of your authorities.

There must necessarily follow grave considerations. There are questions between your Government and mine as to the exact meaning of treaty provisions. There are honest differences of opinion which may arise between any Governments, however friendly. You are striving and we are striving to come to an honorable understanding. If you are right, we accept the consequences. If you are wrong, your Government is held by its covenants. If it should be found that existing treaties do harm to China, you have only to make representation to my Government to receive prompt and friendly consideration, and to be assured, as I have before said, that the United States desire no convention with China the benefits of which are not reciprocal. This is the honest, candid, straightforward way of doing business, and in this spirit we have been trying to conduct our discussions. But while these discussions are in progress, for a provincial authority suddenly to issue a decree, the effect of which is to injure an American merchant, is an act of grave discourtesy, not alone to my Government but to the imperial cabinet. When, in addition to this, the compradore of an American firm is threatened with arrest upon a capital charge and offered his freedom if he will aid in the destruction of his employers' business, thus showing that the capital charge was a dishonest and unfriendly pretext, it must be regarded as a most serious matter and one that cannot be viewed by my Government without sorrow and concern.

If the proposed company of Mr. Wetmore was regarded as a violation of the monopoly or patent granted to another company, the treaties offered a certain and honorable method of redress. It would have been proper to have asked from Mr. Wetmore a bond to guarantee any losses that his company might entail upon Chinese merchants, subject to an appeal to Peking. That would have been a lawful proceeding, and one which the legation would have approved. It is now my duty to ask from your imperial highness a rigid inquiry into these unfortunate transactions. I must request you to visit with just censure those officials who have abused the machinery of imperial justice to oppress and destroy an American interest. I must ask your imperial highness to instruct the provincial officials that, until there is an understanding as to the meaning of treaties, there must be no interference directly or indirectly with Americans doing business in an honest way. I must observe that the whole course of the officials in Shanghai threatens a most serious complication, and it is within the province of your imperial highness to end it by an act of enlightened firmness, honorable to both nations, and showing the world that the Government of His Majesty will never permit good relations so long existing and so highly valued by the United States, to be put in peril by the caprice of provincial authorities.

I am sure in concluding this disagreeable task that my Government will be disappointed if I am not enabled at an early day to report that you have made a thorough investigation of these events and that you have made it impossible for your laws to be used to oppress American citizens claiming their just rights under the treaties. The question of reparation to Mr. Wetmore for loss and injury to his business is for the present reserved. Your imperial highness cannot fail to see that such a question must arise as a consequence of these extraordinary proceedings.

I have, &c.,

JNO. RUSSELL YOUNG.

No. 78.

Mr. Young to Mr. Frelinghuysen.

No. 121.] LEGATION OF THE UNITED STATES,
Peking, February 5, 1883. (Received April 23.)

SIR: There is no subject in which the western nations are so much interested, so far as China is concerned, as the introduction of railways.

The history of the Woosung experiment at Shanghai, and the summary end of it, are well known to the Department. It is now believed that under more discreet and conservative direction the Woosung Railway would have been tolerated and other railways would have followed. No pains were taken, however, to consider Chinese prejudices. The result was, that the authorities bought the road from its owners at a price which gave them a good profit on their investment, tore up the rails and sent them to Formosa.

Since that time, the Chinese have resisted all attempts to introduce railways. The viceroy, Li, has memorialized the throne in favor of such a railway as would strengthen the defenses on the Russian frontier, and enable grain to be carried from the seaboard into provinces threatened with famine. Reactionary influences have thus far prevented the throne from granting his prayer.

The legation learned some time since that in the province of Chihli, Li's own dominion, a small railway had been constructed quietly, under the viceroy's orders, to "assist in the development of certain mines." It was generally understood, however, that the enterprise was intended by the viceroy to be the first step in a general railway system, and to be entirely under Chinese control.

Anxious to acquaint you with all the facts surrounding this most interesting and important experiment, I requested Mr. Zuck, our consul at Tien-Tsin, to visit the mines and railway, as they were near his post of duty, and make a report upon their prospects and management. This service Mr. Zuck has performed, and I inclose you his report. The Department will, I hope, regard it as a valuable contribution to the history of Chinese progress towards western civilization.

Trusting that my action will meet with the approval of the Department,

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure in No. 121.]

The Kaiping Mines and Railway.—Report by James C. Zuck, esq., United States consul.

The Kaiping mines are located about 71 miles north-northeast from Tien-Tsin, and the entire distance between the two points is a low, treeless plain, traversed by numerous rivers and canals.

The "Chinese Engineering and Mining Company," or what is more commonly known as the "Kaiping Mining Company," was organized some five years since. The present engineering staff is as follows: C. W. Kinder, chief engineer; J. M. Molesworth, second engineer; J. Stevens, third engineer; E. K. Buttles, chemist and mineralogist; R. M. Brown, secretary. The number of men employed by the company in its various operations is about 1,000, all of whom are Chinese but twenty.

The mines have been worked since the year 1877, but the present company only commenced operations about four and one-half years since, when shaft No. 1 was started and sunk to a depth of 200 feet. It was then stopped, and drifts driven through the stone, cutting various coal seams, previously explored by a diamond drill to a depth of 600 feet; after which the up-shaft, or No. 2, was started, and sunk to a depth of 300 feet, when another stone drift was driven. It is the coal lying between these two drifts that is now being worked. In the spring of 1881 work on No. 1 shaft was resumed, and at the time of my visit was down to a depth of 500 feet. Ingersol rock drills were used when the stone was very hard, but in the softer shales hand labor proved most economical. Musket powder of excellent quality, manufactured at the Tien-Tsin arsenal, was used for blasting purposes, and was ignited by means of electricity, as many as sixty holes being fired at one time. Owing to an accident with dynamite, the sinkers refused to use it longer in the shafts, which delayed the progress of the work fully one-half. These shafts are fourteen feet in diameter, and are walled with limestone, taken from the adjacent quarries of the company. The water met with at times has been very considerable, but the present daily aver-

age is not over forty cubic feet per minute. To prevent delays on account of the water, heavy pumps are provided, consisting of two twenty-inch bucket sets, and two twenty-inch forcing sets, the latter being the top-lift. These pumps are worked by two Davy direct-acting differential compressed engines of the most recent types. At the winding shaft, No. 1, a horizontal winding engine has been erected, capable of drawing 1,000 tons of coal per day. The head pulleys are twelve feet in diameter, and the drum eighteen feet, and manipulated by English winders. At No. 2 shaft a small geared engine is used, which raises about 300 tons of coal per day, but will soon be replaced by a direct-acting engine, now being built in the company's shops, the upcast being provided with an air-lock.

The ventilation is provided for by a 30-foot Guibal fan driven by a compound engine with an auxiliary high-pressure engine, which can be attached in case of emergency. The steam for these engines is furnished by eleven boilers.

The repairing shops of the company are much more extensive than are usually required for a colliery, but it must be remembered that, owing to the isolated position of the works and the great necessity for immediate repairs, such works are absolutely necessary. Apart from this the railway, canal, and wharves draw largely upon its capabilities. Gas also is manufactured by the usual apparatus, entirely constructed on the premises. The offices and works are now lighted by gas, and arrangements are now being made to light the mining college, official residences, men's houses, and main street of the village, which is rapidly growing.

The brick-works are quite extensive. The preparation of the clay is done by machinery, the molding plant not having arrived at the date of my visit. The hand molding heretofore has not been satisfactory, and has necessitated the use of machinery. It is also the intention of the company to manufacture paving tiles and pottery, for which there is a large demand.

The buildings of the company are mostly built of limestone, red, blue and white brick.

Following the line of the railway northward, about a half mile distant from the colliery, are found large quarries of limestone. It is intended to use machine drilling and the best appliances to secure a steady output of building stone, for which a large demand exists.

The coal at Kaiping lies at an average dip of forty-five degrees, and it consists of several seams divided by shale and sandstone rocks. The stone drifts up to date have already cut twelve seams, seven of which are at present workable. The quality of the coal, when compared with that found in America and England, is without exception inferior, and resembles more closely the coals found on the European continent. It is true that the coal from seam No. 5 is equal to Newcastle in purity, but unfortunately is too friable to stand rough treatment. It is nevertheless claimed to be a superior coal in every way to that procurable from the far-famed Takashima, of Japan. No. 8 is a hard coal, but leaves much ash. The seams now workable vary from four to twenty feet in thickness. At the present time the amount of coal raised is from 250 to 300 tons per day, but on completion of No. 1 shaft, an output of 500 tons per day can very easily be maintained.

During the winter months a native demand for small coal exists up to 150 tons per day, the superior coal being shipped to Tien-Tsin in the spring. The demand for coal at Tien-Tsin is more than the mine can furnish, and there would be no difficulty in disposing of 500 tons per day. Coke is also made by a modification of the native system, there being a fair demand for best qualities for foundry and domestic use. During the summer small coal is washed by means of special machinery of French type. There is also powerful machinery for the manufacture of compressed bricks made from small coal for fuel.

RAILWAY.

On the formation of the company it was intended to build a railway either to Petung or Sutai, a distance of some thirty or forty miles, but the authorities at Peking looked with so much disfavor upon the project that the company were compelled to abandon it, and a canal was reluctantly started over the low ground from Sutai to Shukow Chang, the present termination of the railway.

It was with great difficulty that the permission to build even this short line of seven miles was obtained, and had to be laid out several times before the land could be procured and various obstructions, such as graves, removed. It might be well to state in this connection that the sinuous course of portions of the canal is due to these same causes. This seven miles of railway was originally laid down for horse tracking, precaution being taken to make the bridges sufficiently strong to carry heavy locomotives at some future time. The question of adopting a light or heavy rail was a difficult one to decide, and, unfortunately, as present events now show, a light steel rail of thirty pounds to the yard, imported from England, was laid. If it had been deemed possible by the company that locomotives would have been so soon permitted, heavier rails would have been used. The country traversed by the road is

quite level and required but little grading, and but one creek of any size is crossed, which is spanned by an iron bridge constructed at the works of the company. The road is of the ordinary gauge and is ballasted with limestone from Kaiping. The rolling stock consists of three ordinary coaches for passenger travel (each of which is divided into two apartments for the accommodation of second and third class passengers), which were imported from England, one first-class passenger coach built at Kaiping and intended for the use of high officials, in point of elegance reminding one of the Pullman palace car; fifty coal trucks, the frames and running gear imported from England, and set up and timbered at Kaiping, and having each a capacity ranging from 12 to 20 tons and three engines.

Engine No. 1, called "The Rocket of China," was built at Kaiping. The history of this, the first locomotive built in China, may be of some interest, especially as it is also the first standard gauge (4 feet 8½ inches) ever used in China. Her dimensions are as follows: 8 inches outside cylinders, 15½ inches stroke, six 30-inch wheels, four coupled. Being hurriedly and hastily built she was not intended for a very long life, but was simply intended as an introduction to more powerful and better engines from abroad. She has safely run about 70,000 miles, doing the whole work of the company on the line for over one year. About September, 1882, engines Nos. 2 and 3 were imported from England and set up at Kaiping.

TRAINS.

Six round trips are run daily; time, twenty minutes each way. Second and third class passengers pay seven and five cents, respectively, each way. The first-class coach is not in general use, but is run for high officials only, and no fare is charged. The passenger travel pays current running expenses of the train. An average of 135 to 150 tons of coal are daily carried over the road, 20 tons of coke, 25 tons of limestone, and, with other general freight, amounting in the aggregate to about 200 tons per day. There come up over the road timber, machinery, and general supplies for the company. At present no outside freight is carried, owing to the prejudice of cartmen, or rather it is not deemed advisable to interfere with local cart traffic. The Chinese residing in the vicinity of the road, outside of those whose land was taken, look upon it with much favor, and are disposed to patronize it. The engine is controlled by an English engineer, but all other employés are Chinese. All level approaches to the track, such as cart roads, are protected by gates and watchmen or gate-keepers, who act as signal-men, thus giving a continuous line of signals for the whole track. Midway there is a depot or station-house (built of stone and brick) and side track, and it is the intention of the company to run double trains as soon as the quantity of coal is increased. The cost of the railway cannot be estimated, for the reason that it was constructed with the development of the mines and other improvements at the works, and all accounts, also, being kept in Chinese.

As has been stated the present track is being extended about half or three-quarters of a mile northward to the limestone quarries. It has been often said, Why was not the material of the Woosung Railway, purchased by the Chinese, used in the construction of this road? But it is well to remember that the Woosung line had a gauge of only 30 inches, and that there was an intention to use what remained of it in Formosa. It would have been a very grave error to have used such a light road, as an extension of the present line is by no means improbable, when the obstruction of the authorities once ceases. There can be but little doubt that the establishment of railways in China may be regarded as a fixed fact, and that the present road will be the nucleus of a great system of roads, which will be built in the near future.

The fact that the company has expended so much money in the construction of the Sutai Canal, may delay the extension of the road for a little time, but it must be remembered that the canal was only constructed to meet a pressing necessity, and the railway can be extended in a direct line from Shukow Chang to Pe Tung, the seaboard, a distance of 30 miles, and over a good ground for its construction.

SUTAI CANAL.

This canal commences at Shukow Chang, the present terminus of the railway, and extends to Sutai, on the south, a distance of 21 miles, connecting with the Pe Tung River, from whence it derives its water supply. It is 66 feet wide at the top or surface of the ground, and 16 feet at the bottom; greatest depth of water 8 feet, and lowest 3 feet. One hundred boats are now being built for the transportation of coal on the canal, at a cost of $150 each, with a carrying capacity of 25 or 30 tons each. These boats are to be towed by steam barges. The canal is crossed at numerous places by bridges constructed of iron with limestone abutments. The gate to the canal is at Sutai, and is well and substantially constructed, and would be regarded as a very creditable piece of work in any western land.

CHEMICAL AND MINERALOGICAL DEPARTMENT.

This department is located at Kaiping, where the company has but recently erected a number of substantial buildings built of stone and brick, and furnished with all the modern appliances for assaying and testing ores and metals. A school has also been started in practical chemistry and mineralogy. The class is now composed of the seven young Chinese students who recently returned from America. This department is under the superintendence and supervision of Prof. E. K. Buttles of Ohio.

TELEPHONE AND TELEGRAPH.

In April of last year the work of electric communication was inaugurated.

The main line of the company from Kaiping to Tien-Tsin, ninety-nine miles, was completed as far as Sutai, a distance of thirty miles from Kaiping, in October, 1882. The remainder is to be finished early in the present season. This line will include five stations, all being on the company's line of coal transit. The approximate cost of line is $100 per mile. The poles are twenty-eight feet in length, of Foochow wood, the wire "B. W. G. 8 English," and the insulators are of English make. This line is to be used in connection with telephones for way stations and telegraphs for the termini. The telephones are of the Bell-Edison system, the telegraph on the American plan (closed circuit). The line follows the railway, Sutai Canal, and Pe Tung River, Ku-Tung Canal, and Peiho River to Tien-Tsin. For twenty-seven miles the wire is hung on the poles of the Government lines. The local communication of the company comprises six telephone lines centered in exchange at the main office of the works. These lines are of the average length of about one-half mile each. System the same as the main line. These various lines were constructed and are under the management of Prof. E. K. Buttles, the electrical engineer, the labor used in the construction and maintenance of the lines, including operators, being Chinese.

JAS. C. ZUCK,
United States Consul.

UNITED STATES CONSULATE,
Tien-Tsin, January 30, 1883.

No. 79.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 150.] LEGATION OF THE UNITED STATES,
Peking, March 14, 1883. (Received May 5.)

SIR: I have the honor to acknowledge your dispatch, No. 77, in reference to the right of Chinese laborers to transit through the United States, and your instructions as to the manner in which the legation should treat the question in discussions with the yamên.

I have read with care the opinion of the Attorney-General, and may venture the belief that the action of the Government will go far toward strengthening our position, "evidencing, as it does," to quote your words, "our sense of justice to China."

As I have had occasion to say in former dispatches, the question of emigration has never been alluded to in any of my conversations with the yamên, * * * and I prefer to believe that the Government here is satisfied that the action of Congress was dictated by a supreme necessity, and that nothing has been done by the American people inconsistent with a spirit of the sincerest friendship and good-will toward China.

I have, &c.,

JNO. RUSSELL YOUNG.

No. 80.

Mr. Young to Mr. Felinghuysen.

No. 151.] LEGATION OF THE UNITED STATES,
Peking, March 15, 1883. (Received May 24.)

SIR: The frequent rumors in reference to military and naval preparations on the part of China and Japan have interest because of the strained relations between these two countries. I have kept the Department well informed, confidentially and otherwise, of the information that has come to the legation. There are many irritating questions between China and Japan, which all require wisdom and patience on the part of the two Governments, or, that failing, the earnest persuasion of the outside powers to prevent serious complications.

Some weeks ago there was a report that the Chinese were building ten gunboats at Shanghai and two at Foochow. I made inquiry as to its truth. The result of this inquiry will be found in inclosures from Mr. Cheshire, the vice-consul-general, and Mr. Wingate, the consul at Foochow.

Mr. Cheshire confirms the statement so far as Shanghai is concerned, but explains that the proposed new vessels, small gunboats, are to be iron plated and to do service on the Yangtse River. I do not suppose, however, that in an emergency they would be incapable of doing service elsewhere.

Mr. Wingate reports that one war vessel to carry eight guns is almost completed at Foochow, and that the work has been done by Chinese artisans and under the superintendence of Chinese experts who had studied the art in France. It is said also that four more vessels of the same class will soon be constructed at Foochow.

These reports have value when read in connection with the news from Japan of appropriations and expenditures for military purposes. It has a further interest as showing, first, that the Chinese Government have resolved upon a steady increase of the navy; and, second, that they are learning how to build their own vessels, and do not intend to depend upon the ship-yards of Germany and England.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 151.]

Mr. Cheshire to Mr. Young.

SHANGHAI, *February* 21, 1883.

SIR: In answer to the inquiry made in your dispatch No. 35, I have the honor to submit the following information which I have obtained from Chinese sources.

Some few months ago Peng Keng Pao, commonly known as the admiral of the Yangtse, memorialized the throne in reference to the advisability of building small gunboats of light draught for service on the Yangtse River. I understood that the memorial received the favorable consideration of the Emperor, and Peng, acting in conjunction with the viceroy Tso of Nanking, decided to build ten vessels of 109 feet (Chinese) in length, at the Shanghai and Foochow arsenals.

The stocks for the first vessel, which will be built as an experiment, will be laid shortly at the Kiang-nan arsenal at Shanghai; and after she has been completed, and if found to be a success, it will then be decided as to where the others are to be built. It is thought, however, that half will be built at Shanghai and half at Foochow.

These vessels are to be iron plated, and all of the material necessary for their construction is to be imported from foreign countries.

They are intended to perform the same services on the Yangtse as the Foochow class of gunboats perform along the coast, *i. e.*, protecting Chinese commerce against pirates.

I am, &c.,

F. D. CHESHIRE.

[Inclosure 2 in No. 151.]

Mr. Wingate to Mr. Young.

FOOCHOW, *March* 2, 1883.

SIR: In reply to the inquiry contained in your dispatch of the 23d January, 1883, No. 13, I have the honor to report that a war vessel, the Kai Chi, was launched at the Foochow arsenal on the 11th January last, and is now in process of completion, although it is not expected to be ready for sea for some six months.

I am not able to give you the details of its size and armament, but eight Krupp guns intended for it are reported to be now on their way, one from Germany.

This vessel was designed by, and built under the superintendence of the Chinese who were educated in France and returned to Foochow some three years, or less, ago.

Aside from some portions of the machinery and the iron plates, the whole work has been done at the arsenal.

I understand that four similar vessels are to be built, but that the laying of the keels is delayed owing to the fact that the imperial commissioner left immediately after the launching of the Kai Chi, and a new commissioner has not been appointed.

I have, &c.,

J. C. A. WINGATE,
United States Consul.

No. 81.

Mr. Young to Mr. Frelinghuysen.

No. 154.] LEGATION OF THE UNITED STATES,
Peking, March 17, 1883. (Received May 24.)

SIR: The consul at Canton, Mr. Seymour, informs the legation that a royal decree has been issued by the King of Portugal, reopening the port of Macao to emigration. In consequence of the horrors attending the coolie trade (which was only another form of the slave trade, especially with Peru and Cuba) the port some years since was closed to all emigration. Emigrants to America before the passage of the law of restriction invariably went from Hong-Kong.

As California and Australia (the general destination of the large number of emigrants from the southern provinces who annually left Hong-Kong) have been closed, I am anxious to know the motives which inspired the King to open Macao to a trade which would seem to have had a death blow. I have asked Mr. Seymour to send the legation a copy of this decree and to keep the legation informed of its purpose and effect. The tendency of the Chinese to emigrate has not been destroyed by the restrictive legislation of the American Congress and the Australian Parliament, and it will be of interest to observe which new field will attract their industry and enterprise.

This is a question of political economy of the deepest interest to China. There must be some outlet for these teeming, dense, overpopulated districts. Sometimes it comes in famine, as was seen in the northern provinces a few years ago, when hundreds of thousands died from starvation. Sometimes it comes in war, as in the Taiping rebellion, which is said by some authorities to have cost thirty millions of lives. Humanity cannot but hope that there will be some other solution than these deplorable consequences; and it is therefore of interest to note the direction of this new movement in emigration from Macao.

In speaking socially and informally with a Chinese statesman of eminence, some time since, this question arose. I ventured to say, recognizing the difficulties it imposed not alone upon the Government which had to find food and labor for a redundant population, but also upon friendly Governments like those of the United States and the Australian

colonies, who were compelled to resist emigration of Chinese subjects by special enactments, that it would be wise for China to seek in some new, virgin country opportunities for her people. I referred to New Guinea, or Papua, an island 250,000 square miles in area, and to certain parts of the African continent which had recently been discovered, notably the valley of the Congo River. Under a judicious system of emigration which the Government could foster, colonies could spring up; there would be room for millions now huddled in dense masses and in constant dread of famine, and the Chinese could reclaim these savage tracts to the benefit of their own civilization.

I was struck with the reply. "My people," this Chinese statesman said, "are not colonists. They have not the faculty for colonization, which has built up so many countries in various parts of the world under western influences. They cannot take the lead. They must live upon civilization of some kind or another, seek it out, and attach themselves to it."

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure in No. 154.—Extract.]

Mr. Seymour to Mr. Young.

CANTON, *February* 22, 1883.

SIR: Two notable events have occurred in this vicinity, to which I respectfully call your attention, although it is probable you will have learned the facts sooner through other sources of information.

One of these events is a "royal decree" now going into operation for the reopening of the Portuguese port of Macao to emigration, which was stopped many years ago on account of the Chinese coolie trade at that port having become, practically, slave traffic, attended with brutalities and iniquities, alike intolerable and indescribable, in the shipment and transit of the victims.

Whether any efficient guards or restrictions are thrown around the measure for the reopening of Macao to emigration, that will prevent revival and renewal of the deplorable traffic that was formerly carried on through that port, or not, I am unable to determine, but through correspondents at Macao I will try to obtain a copy of the "royal decree" just received from Lisbon. In any event, I deem it proper that this matter should be attended to, and kept in line with the interests of humanity, and therefore respectfully bring it to your notice.

* * * * * * *

I have, &c.,

CHARLES SEYMOUR,
United States Consul.

No. 82.

Mr. Young to Mr. Frelinghuysen.

No. 207.] LEGATION OF THE UNITED STATES,
Peking, May 31, 1883. (Received July 16.)

SIR: I have the honor to inclose a correspondence between this legation and Mr. Consul Jones, of Nagasaki. The question asked by Mr. Jones is whether, under the law, the Chinese consul at Nagasaki is a competent "authority" to issue a certificate of identification to Chinese subjects who propose to visit the United States and are entitled to do so.

I have said to the consul that in my opinion a consul has the right to issue such a certificate. This opinion I have, however, asked him to accept with reserve, subject to the approval of the Department, as I have no instruction that enables me to speak with authority.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 207.]

Mr. Jones to Mr. Young.

NAGASAKI, *May* 14, 1883.

SIR: The act of Congress of May 6, 1882, suspends the coming of Chinese laborers for ten years, except those who were in the country previous to November 17, 1880. These can return upon producing certain prescribed certificates of identification. The certificate is to be issued by the Chinese Government, or *under its authority*, and must state the name, age, &c., of the person to whom it is issued.

The question I desire to ask is: Is a Chinese consul in Japan, who is also a judicial officer, competent authority, under the provisions and meaning of this act, to issue such certificate? In my opinion he is, but I would be glad to be furnished with your opinion also.

My colleague, Mr. U. Tsing, Chinese consul at this port, has been applied to for such certificates, and I have given him my opinion, but as some trouble has grown out of this act, I desired him not to act upon it until I had laid the question before you for your opinion.

I have, &c.,

A. C. JONES,
United States Consul.

[Inclosure 2 in No. 207.]

Mr. Young to Mr. Jones.

PEKING, *May* 31, 1883.

SIR: I have the honor to acknowledge your dispatch dated May 14, 1883, in which you ask the opinion of the legation as to the right of Chinese consuls at foreign ports to issue "certificates of identification" to Chinese subjects proposing to visit the United States.

This legation has no instruction from the Department upon this particular question. Any opinion, therefore, I may express, you must accept with reserve, subject to the approval of the Secretary of State.

As I understand the statute, any Chinese subject, not excluded from the United States by its provisions, has, to gain admission to our ports, to show by some papers coming from an authority in the confidence of the Chinese Government that he does not belong to the interdicted classes. In China he would go to the taotai or the viceroy. In Nagasaki his only recourse is the consul or minister. The consul and the minister are high and responsible authorities, charged with his protection. He is as much entitled to protection in his right to travel as in any other right. All that our Government wishes to know is whether a Chinaman asking to land in the United States has a right to do so under the statutes and the treaties. The certificate of a consul is, in the opinion of this legation, a true and lawful way of giving that knowledge.

If there should be any doubt as to whether a consul is an "authority" in the meaning of the statute, there would, I apprehend, be no difficulty in inducing the imperial cabinet to confer the power upon all the officials in the consular service. Any suggestion of this kind to the cabinet, however, will await the instructions of the Department.

I am, &c.,

JNO. RUSSELL YOUNG.

No. 83.

Mr. Davis to Mr. Young.

No. 148.] DEPARTMENT OF STATE,
Washington, July 19, 1883.

SIR: I have to acknowledge the receipt of your dispatch No. 207, of May 31 last, relative to the power of Chinese consuls at foreign ports to issue "certificates of identification," pursuant to the act of Congress of May 6, 1882, to Chinese subjects who purpose visiting the United States.

Your instructions to Mr. Jones, consul at Nagasaki, that such certificate is within the competency of such Chinese officers, are approved.

If any question should arise in the United States ports as to the validity of certificates given to Chinese by their consuls in the ports of a third country, and our courts should decide the invalidity of the certificates under the statute mentioned, it could then be suggested to the Chinese Government that it confer on its consuls express authority to issue such certificates. It is not thought likely, however, that a case will arise.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 84.

Mr. Young to Mr. Frelinghuysen.

No. 235.] LEGATION OF THE UNITED STATES,
Peking, August 18, 1883. (Received October 1.)

SIR: As a further reference to my dispatch No. 69, and in continuance of a discussion which for some years has been at issue between the foreign office and the diplomatic body, I have the honor to inclose you a copy of the last joint note addressed the Government by the foreign representatives, as well as the reply of his imperial highness to the same.

It is not necessary to repeat the arguments which have been so often advanced by my predecessors and myself. You will, however, note the declaration of Prince Kung, that "further discussion is useless. The Chinese ministers," continues his imperial highness, "with your several Governments have been made entirely familiar with this discussion, and will be able to explain matters to the several secretaries of state."

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 235.]

Foreign representatives to Prince Kung and the Tsung-li yamên.

APRIL 3, 1883.

YOUR IMPERIAL HIGHNESS: The undersigned have the honor to acknowledge the receipt of your imperial highness's and your excellencies' note of January 23, being an answer to the joint note of the foreign representatives of November 18, 1882.

It is with sincere regret that the undersigned have seen from the yamên's note that your imperial highness and your excellencies still persist in the attempt to explain away the most undoubted rights granted by the treaties to the subjects and citizens of foreign powers residing in China under the faith and protection of these treaties. Under these circumstances the undersigned can see no advantage in continuing at present the discussion upon the subjects under consideration. They have transmitted to their Governments the yamên's last note, as well as former correspondence on the subject, and they shall expect the instructions of their Governments before proceeding further in the matter.

At the same time, while expressing their sincere regret that their endeavors to arrive at a satisfactory understanding with the yamên should have remained without any practical result, the undersigned think it their duty to draw the attention of your imperial highness and your excellencies to the serious consequences which any attempt of the Chinese Government to infringe the rights granted by the treaties, as understood by the Governments of the undersigned, would undoubtedly carry with it.

Before closing this note, however, the undersigned, without wishing to reopen the discussion, think it necessary to reply to some of the allegations put forward by the yamên in their last note, and which, if they remain uncontradicted, might be con-

sidered by the yamên and brought forward by them in future discussions as positive facts. Your imperial highness and your excellencies state in the note that one of the points put forward by the foreign representatives was that foreign merchants, on paying the same duties as Chinese merchants, were at liberty to resell at the port, according to their own pleasure, native produce purchased by them.

This statement of the views of the undersigned is not entirely correct. What they have stated is that foreign merchants, having paid the inland charges on native produce purchased by them in the interior, or having purchased such produce at the port, are at liberty to resell it according to their own pleasure at the port, and to forward it coastwise or into the interior, under the existing rules on the subject.

Your imperial highness and your excellencies further state that the general tendency of the joint note was to claim for foreign merchants certain advantages which for more than twenty years they had not been enjoying.

To this the undersigned would reply that for ten and more years, foreign establishments have existed at Shanghai and some of the other open ports, in which the manufacture of native produce has been going on without ever any objections being raised against it by the Chinese Government. No new claim has therefore been put forward by the undersigned, but the reassertion of rights stipulated for by the treaties has been rendered necessary by the attempt of the yamên, first begun a year ago, to deny them.

With regard to the negotiations carried on by Sir Thomas Wade and the yamên on the subject of the import trade, the undersigned beg to draw the attention of your imperial highness and your excellencies to the statement made by Sir Thomas Wade, that any arrangement intended to change the present mode of taxation of foreign imports could be only a provisional one, on probation, and that, before its introduction, measures would have to be adopted to serve as guarantees for the faithful execution of the arrangement. The proceedings of the yamên during the negotiations on the questions of import and export trade have, however, hardly been such as to encourage the undersigned to recommend to their Governments the adoption of the measure discussed between Sir Thomas Wade and the yamên.

The undersigned seize the opportunity, &c.,

VON BRANDT,
Minister for Germany.
N. BOURÉE,
Minister for France.
JNO. RUSSELL YOUNG,
Minister for United States.
FERGUSON,
Netherlands Minister.
DE NOIDANS,
Belgian Minister.
GROSVENOR,
H. B. M.'s Chargé d'Affaires.
WAEBER,
Russian Chargé d'Affaires.
GIL DE URIBARRI,
Spanish Chargé d'Affaires.

[Inclosure 2 in No. 235.]

Prince Kung to foreign representatives.

PEKING, *April* 19, 1883.

I have had the honor to receive your joint dispatch of April 3, in the matter of the manufactures of native produce. In it you acknowledge receipt of my communication of January last, and declare that it shows a desire on the part of this office to explain away the most undoubted rights granted by the several treaties; that under these circumstances you can see no advantage in continuing at present the discussion; that you have transmitted the entire correspondence to your Governments, and that you will await instructions before proceeding further, &c.

In this business I have already set forth clearly and in detail the serious difficulties which surround it on several occasions, and there is naturally no occasion to annoy you with a further repetition of them. But as you remark in your dispatch that a reply was necessary to some statements made in my earlier communication, lest they might at a later moment be brought forward as positive facts, so, in turn, there are certain remarks which must be made by me on the present occasion.

The dispatch under reply declares that the right to manufacture at the open ports is most undoubtedly granted by the several treaties, a right which China now refuses to concede. I beg to observe that the several treaties were concluded more than twenty years ago, and that their stipulations in every point were long since put in force. How happens it that this one privilege alone, of such immense concern to foreign merchants, should have been unseen and not taken advantage of for this long period? It is quite evident without argument that this is really an attempt to initiate at the present time a new enterprise. Still further, of all kinds of merchandise none is unembraced in the tariff of duties. How is it then that the treaty tariff utterly fails to contain any provision for merchandise manufactured at the ports? The proposition of his excellency Mr. Von Brandt to levy one full duty on such merchandise is manifestly prompted by a desire to develop something out of nothing. If reference be made to the words *kung tso*, then it must be said that not only have the Chinese characters no such interpretation as that assigned to them by you, but the foreign phrase also has no such absolute and positive meaning. And, in a matter of such immense importance, consent could only be given in case the language of the treaties contained the most explicit and precise stipulations upon the subject. How can two vague characters be held to embrace the whole question? To select out two characters from a treaty and to insist that these carry with them the consent of this Government in the matter in question is unreasonable. The subject has heretofore been dealt with in detail, and at the moment I only touch upon these important points.

Your dispatch further states that at Shanghai and other ports foreign establishments for the manufacture of native produce have been in operation without a single objection having been raised against them by this Government. The inference from this is not warranted. In 1861 Sir Thomas Wade sent instructions to the several ports interdicting the establishment of warehouses by foreign merchants in the interior of China. Although there is a difference between the interior and the open ports, yet the treaties nowhere contain any explicit stipulation which would permit foreign merchants to transport native produce from the interior, manufacture it at their option at the open ports, and thereafter to dispose of it by sale. Manifestly, the purchase of native produce at the port, its manufacture and sale, would not only interfere with the business of Chinese merchants, but would also cause a loss to the revenue.

Recently unprincipled Chinese may have connived with foreign merchants in violating the laws for the purpose of gain. This can with difficulty be avoided. But local officers have investigated such cases and reported them, and such practices will not be permitted. Chinese merchants guilty of such conduct will also be appropriately punished as a warning to others. Of this intention it is presumed that the consuls of the various ports are aware.

In regard to the unauthorized establishment of manufactories by foreign merchants, if this office had been informed by the local authorities of the establishment of such enterprises at any point, it would at once have addressed itself to the foreign representatives, with the request that orders be issued interdicting such establishments. How can an unauthorized enterprise of this kind be quoted as establishing a prescriptive right?

The dispatch, under reply, charges this office with a desire to disregard the treaties. On the contrary the desire of this office is, accurately stated, to see that the treaties shall not be violated. Thus manifest stipulations of the treaties have, without exception, been put into effect by it, but stipulations not distinctly found in the treaties cannot be added thereto. Chinese and foreign business methods are essentially the same. Some time since Sir Thomas Wade completed with China an arrangement for imports, but as the foreign mercantile class objected, the arrangement fell through.

Hence it is evident that it is difficult to go in the face of the opinions of the mercantile community. Aware of this, I did not address Sir Thomas Wade, insisting that our agreement be put in operation.

And now, in the manufacture of native produce at the ports, no arrangement was finally entered into with Mr. Von Brandt, because upon inquiry it was learned that the officials and people in the provinces were discussing and examining the question, with the result that Chinese merchants were opposed to it, as with one voice pointing out the difficulties in the way, and hence enforcement would be impossible.

I must add, in the terms of your dispatch, that further discussion is useless. The Chinese ministers, with your several Governments, have been made entirely familiar with this discussion, and will be able to explain matters to the several secretaries of state.

I must beg you to transmit all the observations and arguments presented upon this subject by me to your respective Governments for their consideration.

No. 85.

Mr. Young to Mr. Frelinghuysen.

No. 244.] LEGATION OF THE UNITED STATES,
Peking, August 30, 1883. (Received October 20.)

SIR: I have the honor to inclose certain correspondence with the consul at Canton in reference to a recent disturbance in that city arising out of the folly of some Europeans, which unhappily led to loss of life.

The Department will not fail to note the forbearance shown by the Chinese authorities, and the promptitude with which the viceroy intervened to preserve order and secure the interests and safety of the foreign settlement.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure 1 in No. 244.]

Mr. Seymour to Mr. Young.

No. 29.] AUGUST 14, 1883—9 P. M.

SIR: I have the honor to inform you that Canton has been considerably stirred up for the past three days and nights, over a disturbance that occurred early on the morning of Sunday, 12th instant, when three Europeans, in the employ of the imperial maritime customs service, after a night of dissipation, caused a row in the streets on the Honan (south) side or division of the city of Canton, that resulted in the death of a Chinese boy and the wounding of a Chinaman and a Chinawoman.

Matters assumed a serious aspect, with threats of revenge against foreigners, until rigorous measures were adopted by the Chinese authorities to maintain order and re-establish tranquillity among the natives, who would not permit the dead to be removed from the place where he fell until to-day; and would not permit the wounded woman to remain at the hospital in care of the "barbarian devils," and refused to allow "Europeans" or foreigners to land on that side of the river, and threatened extermination generally.

Admonitions sent to several of the consulates by professed and doubtless real friends led to a conference of and a consultation by the consular corps on Monday afternoon, 13th instant, when, in reference to demands from foreigners of various nationalities upon their consuls for protection, it was deemed best, for prudential reasons, to bring the facts before the viceroy, and request his attention to the emergency.

Herewith please find copy of a dispatch, prepared by request of my colleagues, addressed to the viceroy, and signed by the consuls. Also please find the concluding paragraphs of the viceroy's prompt reply, of this date, conveying satisfactory assurance of vigorous efforts to preserve order.

At present indications decidedly testify to the viceroy's efficiency and success, and no further trouble is anticipated.

I am, &c.,

CHARLES SEYMOUR.

[Inclosure 2 in No. 244.]

Consular body to Viceroy Tseng.

CANTON, *August* 13, 1883.

SIR: Your excellency's attention is respectfully called to the propriety and necessity of some effective means being employed to preserve order and to allay excitement on the Honan side of the Canton River, on account of a deplorable disturbance which occurred in that portion of the city, at an early hour on the morning of Sunday, 12th instant, between some Chinese residents and three Europeans, resulting, unfortunately, in the death of a Chinese boy and the wounding of a Chinawoman and Chinaman, from the use of fire-arms in resisting a mob.

The three Europeans, one of whom is a native of Great Britain, another a native of Russia, and the third a native of Norway, have been arrested, and are now confined in the jail of the British consulate, to await examination according to treaty

stipulations and requirements. In the mean time the excitement and feelings of the populace, in the vicinity referred to, have assumed such a threatening character as to demand vigorous and prompt measures on the part of the Chinese authorities to prevent further atrocities.

Wherefore your excellency is respectfully informed of the facts and requested to cause such measures to be immediately adopted as will prevent any further disturbance.

Hoping that your excellency will promptly give effect to a compliance with this request in which we unitedly concur,

We have, &c.,

CHARLES SEYMOUR,
United States Consul.
P. RISTELHUEBER,
Consul de France.
Pro. O. F. VON MOLLENDORFF,
Acting Consul for Germany,
BARON KETTLER.
F. B. CUNNINGHAM,
Vice-Consul for Sweden and Norway.
CHARLES VON BOSE,
Consul for the Netherlands.
R. W. H. WOOD,
Acting Consul for Denmark.

Memorandum.—The British consul having sent dispatches to the Chinese authorities before the preparation of this dispatch, his signature is omitted.

C. S.

[Inclosure 3 in No. 244.—Translation.]

Tseng, acting viceroy, in reply.

CANTON, *August* 14, 1883.

I, the viceroy, have the honor to acknowledge the receipt of a joint dispatch on 13th August, 1883 (here the consuls' joint dispatch quoted in full).

Upon examination the viceroy would state that he has just received a communication from the acting English consul, Hance, concerning the same subject. Consequently the viceroy has already sent instructions to the *poon yü* (magistrate) and the *kwang hi* (the colonel) to dispatch some soldiers and police to proceed to Honan and to properly preserve order and to disperse the crowd.

Now, upon receipt of the foregoing dispatch, the viceroy has to repeat his order, with instruction that these officials should pay strict attention to maintain order, disperse the crowd, and not to allow any persons to avail themselves of this occurrence to create disturbance. The viceroy has also instructed the provincial judge to inquire, upon a compliance therewith.

It is proper that the viceroy should send this reply to the information of their honors the consuls.

[Inclosure 4 in No. 244.]

Mr. Young to Mr. Seymour.

PEKING, *August* 27, 1883.

SIR: I am in receipt of your dispatch No. 29, in reference to the disturbances in Canton. The measures taken by you to preserve order were prompt and salutary. It is a pleasure to know that the viceroy was so willing to answer your demands, and also to learn that no Americans were concerned in what seems to have been a wanton and foolish outrage upon Chinese society.

I am, &c.,

JNO. RUSSELL YOUNG.

No. 86.

Mr. Young to Mr. Frelinghuysen.

No. 251.] LEGATION OF THE UNITED STATES,
Peking, September 7, 1883. (Received October 30.)

SIR: As an evidence of the purpose of the Chinese to advance their mercantile and commercial interests in China, in their own way, and under the management of their own people, I inclose the translation of an article from a native journal. From this it will be seen that the viceroy Tso has resolved to establish a line of steamers to run between Shanghai and Tien-Tsin. The value of this announcement may be understood when it is remembered that the largest steamship company in China, namely, the China Merchants' Steam Navigation Company, is owned by Chinese exclusively. This was organized by Li Hung Chang.

The plant was formed by the purchase of the vessels owned by the American house of Russell & Co. The fleet has been largely increased and new vessels are building. The published statements of its business show a large profit. This comes mainly from the monopoly of carrying what is known as the "tribute rice" to Peking. There is not a foreign steamship line in the China trade which would not carry this rice for one-half or one-third the price paid by the Chinese authorities to the Chinese company. The authorities, however, regard the payment as an indirect subsidy, and prefer to strengthen their own commercial interests even at the expense of the imperial revenue.

It is believed that one of the purposes of the company in adding to the fleet is to open commercial relations with European and American ports.

Now that the viceroy Tso, tempted perhaps by the success of the enterprise under the control of his great rival, Li, enters with a new company, it will be of interest to note the effect of competition in so important a business as navigation by steam. I cannot help but regard it as an evidence of progress, and cherish the hope that this development of domestic rivalry may lead to other and more important ventures, especially in the matter of railways. Now that the Chinese appreciate the use of steam on the water, it is to be hoped they may readily come to see the advantage of steam on land.

I have, &c.,

JNO. RUSSELL YOUNG.

[Inclosure in No. 251.]

THE NEW CHINESE STEAMSHIP COMPANY.

The Shen-pao says: "His excellency Tso Tsung T'ang is to establish a new steamship company, with the head office at Tien-Tsin. It is intended to purchase eight steamers to run between Tien-Tsin and Shanghai and the Riverine ports. The ground selected for the company's premises at Tien-Tsin adjoins the eastern godowns of the China Merchants' Steam Navigation Company's property, and extends to a well-known eating-house called Heun Wha Cheun, in Tzo Chao Ling, Tien-Tsin. The ground belongs to the estate of the late Mr. Chu Yunfoo; the property was mortgaged to the China Merchants' Steam Navigation Company, and now the heirs of Chu Yunfoo have redeemed it for the sum of 20,000 taels, and sold it to the new steamship company. It is said that his excellency Tso has petitioned the Emperor for leave to proceed with this new undertaking. The new company will be under the management of Wu, taotai."

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

No. 87.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, January 6, 1883.

SIR: On the 28th of June, 1882, the chargé d'affaires *ad interim* of your legation, Mr. Tsu Chan Pang, wrote to me touching the question arising under the act of May 6, 1882, relative to the transit across the territory of the United States of Chinese laborers proceeding to or returning from Cuba and other foreign countries.

I am happy to inform you that this Government has reached the conclusion that the transit through the United States of Chinese subjects, proceeding to or from a third country, is permissible under the act in question, with certain precautions against abuses.

An opinion which I have received from the Attorney-General sets forth the grounds on which this conclusion is reached, which, briefly recapitulated, are as follows.

The preamble of the act itself reads:

> Whereas, in the opinion of the Government of the United States the *coming of Chinese laborers to this country* endangers the good order of certain localities within the territory thereof; [and it is thereupon enacted that] the coming of Chinese laborers to the United States be * * * suspended; and during such suspension it shall not be lawful for any Chinese laborer to *come*, or having so come * * * *to remain* within the United States.

The act is based upon the treaty of November 17, 1880, the provisions whereof it is designated to execute. In that treaty it is premised that "a modification of existing treaties" has become necessary in consequence of the increasing *immigration* of Chinese *laborers* and the embarrassments caused by such *immigration;* and thereupon the Government of China agrees that whenever in the opinion of this Government injurious effects are threatened or caused by "the *coming of Chinese laborers* to the United States or their *residence* therein," such *coming* or *residence* may be regulated, limited, or suspended, but may not be absolutely prohibited. The treaty adds:

> The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States *as laborers*, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of *immigration*, and *immigrants* shall not be subject to personal maltreatment or abuse.

In the view of the Attorney-General, the act of May 6, 1880, being intended to carry into effect the stipulations of the treaty, is to be construed in the light thereof, and has reference only to the Chinese who come here to stay as laborers. It is only with *immigrants* and with those who come *as laborers* that the treaty and the statute deal. Looking, therefore, at the mischief and the remedy, and to the treaty and act taken together, this Government, adopting the conclusion of the Attorney-General, does "not think that a Chinese laborer coming to thiscountry merely to pass through it can be considered as within the prohibition of the law, he being neither an immigrant nor a laborer coming here as laborer."

With regard to the necessity of Chinese laborers in transit being

provided with evidence that they are not Chinese coming here as immigrants or as laborers, the Attorney-General says:

As the prohibition of the act applies to Chinese laborers coming into the country to stay *as laborers*, and as the regulations touching certificates of identification prescribed by the fourth and sixth sections are ancillary to that end, and intended to prevent frauds upon the act, and therefore applicable only to Chinese coming here for permanent or temporary residence, I am of opinion that Chinese passing through this country to other countries are not required, before crossing our borders, to produce the specified certificates of identification, provided they competently prove in some other manner their status as mere transient passengers; of course the certificate would dispense with other proof. The character of such proof may very properly be regulated by the Secretary of the Treasury.

I have brought the matter, in this shape, to the attention of the Secretary of the Treasury, and requested that he will frame such regulations as may be necessary to permit the transit of Chinese laborers. As soon as the action of my colleague shall be made known to me, I will communicate it to you.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 88.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, February 2, 1883.

SIR: Referring to my note to you of the 6th ultimo, in relation to the transit of Chinese laborers through the territory of the United States, when passing to or from a third country, I have now the honor to transmit, for your information, four copies of a recent circular issued by the Secretary of the Treasury, in which are set forth the conditions under which such transit may be accomplished.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Circular.]

Transit of Chinese laborers over the territory of the United States in the course of a journey to or from other countries.

TREASURY DEPARTMENT,
Washington, January 23, 1883.

TO COLLECTORS OF CUSTOMS AND OTHERS:

The Attorney-General, in an opinion of December 26, 1882, addressed to the Secretary of State, has decided that Chinese laborers, in transit merely across the territory of the United States in the course of their journey to or from other countries, are neither emigrants nor "Chinese coming to the United States as laborers," within the language of the treaty of November 17, 1880, or the act of May 6, 1882, and further, that it is not incumbent upon such passengers to produce the certificates of identification prescribed by sections 4 and 6 of that act, provided that, by competent proof, they may otherwise establish their transient status.

The Department of State has transmitted the opinion of the Attorney-General to this Department with its approbation. Treasury decision No. 5313, dated July 20, 1882, is therefore revoked, and the following regulations are adopted by this Department to carry into effect the more recent opinion of the Attorney-General and the views of the Department of State:

1. Where a Chinese consul resides at the port of landing or entrance into the United States of any Chinese laborer claiming to be merely in transit through the territory of the United States, in the course of a journey to or from other countries, the certificate of such Chinese consul, identifying the bearer by name, height, age, &c., so far as practicable, and showing the place and date of his arrival, the place at which he is to leave the United States, the date when his journey is to begin, and that it is to be continuous and direct, shall be accepted as *prima facie* evidence. And such certificate shall be required in all cases where a Chinese consul resides at such port.

2. In the absence of such certificate, other competent evidence to show the identity of the person and the fact that a *bona fide* transit only is intended, may be received. The production of a through ticket across the whole territory of the United States intended to be traversed may be received as competent proof, and should be exhibited to the collector and verified by him. Such tickets and all other evidence presented must be so stamped or marked and dated by the customs officer as to prevent their use a second time.

3. In the case of numbers of Chinese being transported in a body under the charge of agents or others, the affidavit of such agents or others in charge, with proof satisfactory to the collecter that such laborers will be conveyed without delay across the territory of the United States and delivered on board ship or into foreign territory, may be received in lieu of the tickets required in the foregoing regulation.

Descriptive lists of all such Chinese will be prepared in duplicate and presented to the collector of customs, substantially in the form mentioned in the circular of May 19, 1882 (Synopsis 5231), and showing, in addition, the place and date of arrival and the place and date of intended departure, and, when practicable, the route to be traveled. One copy will be retained on the files of his office, and one to be forwarded by mail to the collector of customs at the port of exit, who will take pains to see that the passengers duly leave the United States. If they do not, he will report the fact to this Department. One list may be made to include all Chinese transported at one time, and each list should be properly dated, signed, and sealed by the collector or his deputy.

Where considerable numbers of Chinese intend to travel from the port of entrance to the port of exit under the charge of an agent, as before mentioned, it will be sufficient to have included in the descriptive list to be mailed to the collector at the port of exit the number of persons who are to go forward, the name of the agent in charge, and the route by which they are to travel.

CHAS. J. FOLGER,
Secretary.

No. 89.

Mr. Cheng Tsao Ju to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, February 5, 1883. (Received February 5.)

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, with its inclosure of four copies of a recent circular issued by the honorable the Secretary of the Treasury, in relation to the transit of Chinese laborers across the territory of the United States, and desire to express my sincere thanks to you for your courtesy.

I beg leave to remark in regard to Rule 3 of the Treasury circular, which reads as follows: "In the case of numbers of Chinese being transported in a body, under the charge of agents or others, the affidavit of such agents or others in charge, with proof satisfactory, * * * may be received in lieu of the tickets," &c., such an arrangement will be a great convenience to the Chinese laborers in transit to or from a foreign country; but it is feared that the language of this rule is liable to misconstruction by a class of people in foreign countries who desire to contract for Chinese laborers in large bodies. This rule, as I understand it, refers solely to the agent of transportation companies, and not to an agent for contract labor.

The following are the standing regulations in force in China respecting Chinese emigration: Whenever Chinese subjects desire to emigrate

they must go in person to the Chinese local authorities, to whom they must make a report, stating that they have provided themselves with passage money, and that they go to foreign countries with their free and voluntary consent; and further, they must find some trustworthy persons to stand security for them. Before the stamped certificates are issued to them as proofs, the Chinese authorities make a careful investigation. When the emigrants embark, the authorities again examine them, in order to show great vigilance and care in the matter. The authorities reprobate any other than an entirely voluntary emigration.

Accept, &c.,

CHENG TSAO JU.

No. 90.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, February 23, 1883.

SIR: Referring to your note of the 5th instant, concerning the operation of Rule 3 of circular No. 5 issued by the Treasury Department January 23, 1883, governing the "transit of Chinese laborers over the territory of the United States in the course of a journey to or from other countries," I have now the honor to apprise you of the receipt of a letter of the 16th instant from the Acting Secretary of the Treasury on the subject.

Concerning your intimation that such rule should discriminate between those persons who may be prosecuting their journey voluntarily and those who may be vouched for by the agent of the transportation company over whose lines they may travel, and Chinese laborers who come to this country in large bodies from China, under contract, Mr. French expresses the opinion that the Treasury Department could not inquire into the character of the persons who may be affected by that circular, but holds that if they are laborers in transit over the territory of the United States and in charge of any agent, they come within the rule specified.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 91.

Mr. Cheng Tsao Ju to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, October 2, 1883. (Received October 2.)

SIR: I have the honor to inform you that I have received a dispatch from the Tsung-li yamên on the subject of changing the nature of native produce by process of manufacture, in substance as follows:

We have received collective communications from the representatives of all the treaty powers accredited to the court of Peking, having reference to the two characters *kung tso* contained in certain of the treaties from which the foreign representatives claimed the rights of changing the nature of native produce by process of manufacture, and so forth.

The treaties, commercial and other, made between China and the treaty powers, set forth clearly in their stipulations the measures regulating foreign imports as well as native exports. With reference to the point of changing the nature of native produce by process of manufacture, if such were really the object the foreign representatives had in view when the treaty was made, stipulation in relation to it should then have been distinctly made, and it would not have been necessary to wait until to-day to open a discussion.

The two characters *kung tso* mean employment of labor only, and do not imply changing the nature of native produce by process of manufacture. Even in the French version it does not signify clearly anything like changing the nature of native produce by process of manufacture.

Moreover, whenever a treaty is being made, its definitions must be mutually discussed and understood by the two powers before it could be put down in the treaty for execution. Now, China cannot trace anything in the treaties relative to changing the nature of native produce by process of manufacture. If the representatives of the treaty powers desire to develop an interest in behalf of foreign merchants, which they have never before claimed as conceded to them in the treaties, though they have been in existence for more than twenty years, how can the authorities of China fail to protect the means of livelihood for millions of families? The treaty powers will doubtless see how difficult it is for China to yield their request in consideration of the duty imposed upon her authorities for protecting the interests of the people.

With reference to the case of an American merchant establishing a company in Shanghai for spinning threads, we are informed that he used cotton alone, which with silk is one of the principal articles of China's export in which the livelihood of the Chinese people is concerned. If foreign merchants were permitted to make use of these materials in manufacturing silk and cotton goods with machinery in the treaty ports, it would not only occasion a loss to the revenue of the Empire, but those engaged in the business would be stripped of their permanent occupations. As the treaties do not contain explicitly such a concession, it is impossible for China to comply with such request. This is one of those instances relative to changing the nature of native produce by process of manufacture.

We request you, Mr. Minister, to explain the above facts clearly to the Secretary of State of the United States of America, &c.

In receipt of the above communication I deem it necessary to embody its tenor in a dispatch to you, Mr. Secretary, with the hope that you will give an impartial and a fair judgment to the matter, and communicate the same to the United States minister in Peking, so that the two nations may feel for each other a spirit of reciprocal and sincere friendship.

I also inclose an additional memorandum to which I respectfully call your attention.

I am requested by my Government to ask the views of your excellency upon the subject herein presented at your earliest convenience.

Accept, &c.,

CHENG TSAO JU.

[Inclosure.—Translation.]

Memorandum from the Tsung-li yamén.

In the treaties from the first till now, made between China and the treaty powers, there exists no express provision giving the foreign merchants residing in the treaty ports the right to change the nature of native produce by process of manufacture, the product to be for sale. Even the foreign representatives have never claimed this right in discussion until on the twelfth day of the sixth month of the seventh year of Kwang Sü (1881), the German minister, Mr. Von Brandt, sent to the Tsung-li yamên a proposed draft of regulations in Chinese relating to transit dues, &c., of native produce bought by foreign merchants. He then introduced the subject of foreign merchants having the right to change the nature of native produce by process of manufacture. This shows evidently that this subject introduced by Mr. Von Brandt was new and that China has never made such a concession. At the close of the proposed draft there appears a sentence made by him which says, "Let the proposed scheme be put to a temporary trial for a period of four years." The use of the words "a temporary trial" renders it obvious that such right has never been conceded.

On the twenty-sixth day of the Intercalary, seventh month of the seventh year of

Kwang Sü (1881), Mr. Von Brandt addressed to the Tsung-li yamên a communication in Chinese, stating that in the seventh article of the French treaty, sixth article of the German treaty, eleventh article of the Belgian treaty, and eighth article of the Austrian treaty, there is an explicit provision that the foreign merchants have the right to carry on their *kung tso* in the treaty ports without interference, and argued that in those treaties, there is no provision describing to the foreign merchants certain kinds of native produce which they can change the nature of by process of manufacture, and certain kinds which they cannot so change, &c. Now, if in the treaties there is no explicit provision giving to the foreign merchants the right to change the nature of native produce by process of manufacture, there is no need to designate the kinds of native produce which the foreign merchants can change by process of manufacture. If such concession has never been made, it is not in harmony with the fair spirit of the treaty to attempt to enforce the concession by an argument without evidence. If the two characters *kung tso* contained in the French, German, Belgian, and Austrian treaties show that the foreign merchants have the right to change the nature of native produce by process of manufacture, these two characters *kung tso* then become very important words. Apart from these four treaties, those made between China and other powers do not contain them.

According to our regulations for trade there are only three classes of duties, namely, the import duty on foreign goods, the export duty on native goods, and the duty on native goods shipped from one port to another. If such right had been conceded to the foreign merchants to change the nature of native produce by process of manufacture at the time when the treaties were made, why should the tariff regulations not contain the specification as to the amount of duty levied on native produce which has undergone the process of manufacture?

In the regulations, instituted in 1866, relating to native produce repacked, Article II provides that unauthorized or clandestine reopening of packages or repacking of native produce for export will entail the forfeit of the coast trade duty deposited, and will subject the goods concerned to the payment of full export duty on shipment.

Article III states that changes affecting the nature or quality of merchandise, whether effected by the substitution or introduction of other goods * * * for shipment as consisting of goods arrived, will entail on all the goods the penalty of confiscation. Now, if such a thing as unauthorized or clandestine reopening of packages or repacking of native produce, which entails penalty or confiscation, is so minutely described, how could a grave matter like giving to foreign merchants the right to change the nature of native produce by process of manufacture be conceded without being explicitly mentioned in the treaties?

COLOMBIA.

No. 92.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 22.] UNITED STATES LEGATION,
Bogota, September 7, 1882. (Received October 9.)

SIR: In the Hispano Americano, a newspaper published in Paris, there recently appeared the following item:

As is known, the Panama Canal Company have bought all the stock (shares) of the Panama Railway Company.

Upon this intelligence * * * the Colombian minister for foreign affairs, at the instance of the executive, addresses an official communication to the Senate, recommending that a law be passed authorizing the President to make a formal reclamation for a large sum of money against the Panama Canal Company. The ground for the proposed reclamation is the damage to the business of the railway by the ship canal. The substance of the agreement in support of the proposed claim is as follows: From the reading of articles 2, 49, and 59 of the contract of April 15, 1850, between New Granada and the Panama

Railway Company, known as the Pardes-Stephens contract; and of articles 1, 2, and 3 of the amended contract of July 5, 1867, between the same parties, and known as the Gutierrez-Totten contract, Señor Quijano formulates the following conclusions:

1. That the Colombian Government contracted with an American company for the building of an interoceanic railway through her territory; the Government granting to the company, as an equivalent for this work, the right to possess, use and operate it for a determinate period, guaranteeing that no other railway should be constructed within certain limits therein indicated.

2. That the Colombian Government is the true and sole proprietor of this railway, the company having possession of it in virtue of a contract of lease, whereby its use and operations are conceded for ninety-nine years in exchange for $1,000,000 paid to the Government in 1867, and for an annual rental of $250,000 during the entire period of the lease. In other words, that the Government, in 1867, sold the reserved right to redeem the original grant before its expiration, but not its ultimate or reversionary ownership of the railway.

3. That the obligation of the Government to the company, not to grant permission to establish, nor itself to establish, a competing line, does not embrace an interoceanic ship channel. Such a canal may be opened by another company thereto authorized by the Government; but should it pass through certain defined boundaries and limits, the canal company must indemnify the railway company for any damages resulting therefrom, the amount of indemnity to be fixed by arbitration, if not otherwise amicably agreed upon.

4. That whatever sum may be fixed upon as indemnity must be divided equally between the railway company and the Colombian Government.

This right of Colombia to a moiety of damages to the railway company resulting from the opening of a ship canal was provided for in article 14 of the purposed canal treaty of 1870, between the United States and Colombia; and although that treaty was never ratified and is therefore without legal existence, it nevertheless serves to show that Colombia's right to the moiety of damages provided for in the Gutierrez-Totten contract of August 15, 1867, was fully recognized at the time by the American Government.

The Panama Canal contract of March 30, 1878, known as the Wyse contract, grants to the present canal company the exclusive privilege of opening and operating an interoceanic ship channel within Colombian territory; but article 3 of that contract stipulates that in case the canal should "pass to the west or north of a straight line connecting Capes Tiburon and Garachene" the grantees must either come to some amicable understanding with the railway company or else pay that company an indemnity, as provided for in the Gutierrez-Totten contract of 1867; and although in the canal contract of 1878 the recognition of the right of Colombia to a moiety of the damages is not expressly repeated, it must be held to be reasonably implied, because the reservation in article 3 of that contract accords with the provision for indemnity in the Gutierrez-Totten contract, wherein Colombia's right to the moiety of damages is expressly set forth.

Assuming, therefore, that the right of Colombia to a moiety of the indemnity is incontrovertible, the secretary proceeds to consider, first, whether the price paid by the canal company for the Panama Railway is essentially the indemnity contemplated; and, second, whether Colombia has lost her right to claim her portion of the damages by the simple

act of purchase referred to. He maintains that the first proposition must be resolved in the negative, since it was to avoid the indemnity that the canal company made the purchase. The railway company being thus indemnified by the price paid, it can now no further claim. The canal company which now takes its place and owns its original grant from the Government, as well as all its stock, cannot prefer a claim for damages against itself, nor can it prefer such a claim as successor to the railway company, since the destruction of this very claim was the object of the purchase.

But the Government of Colombia, which is the ultimate owner of the railway, and which will come into possession of it in the year 1966, has not been indemnified for losses to its business caused by the canal. Its right to claim a moiety of equitable damages must therefore still exist. Nor can this right be in any way affected by the recent sale and transfer of the road, because the Government is in no sense a beneficiary of that transaction.

Such, in brief, are the legal points raised in behalf of the proposed reclamation. Other considerations of a general nature are urged; * * * such, for instance, as that the only actual benefit likely to result to Colombia from the completion of the canal will be the 5 per cent. of tonnage rates imposed by the canal company; that its completion will cause the Government to lose a large income which it would otherwise derive from the Panama Railway; that the European and American Governments have never guaranteed any protection to the canal company; that Colombia alone of all the nations of the world, has shown her sympathy for the enterprise; that whilst the ultimate completion of the canal may bring to Colombia some incidental benefits, it will likewise involve her in many and serious diplomatic questions, such as those with which Egypt is now contending; and that, in view of these considerations, M. De Lesseps ought to pay her the indemnity to which she is legally entitled.

It seems singular that the secretary, in thus making out his case, should have overlooked the provision in article 15 of the Wyse contract, whereby the De Lesseps company is obligated to Colombia to pay a sum of "not less than $250,000 annually," in addition to the 5 per cent. of tonnage rates, in compensation for the loss of that income from the railway, should it be occasioned by the completion of the canal.

As the federal Congress is expected to adjourn within the next few days, it is not likely that any further action will be taken on this paper than its mere formal reference to the committee on foreign affairs; and should it be called up and reported upon next year, when the Congress reassembles, it will probably not be until after some authentic information touching the sale and transfer of the railway company shall have been received.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 93.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 24.] UNITED STATES LEGATION,
Bogota, September 15, 1882. (Received October 21.)

SIR: The idea of an interoceanic canal through the Isthmus of Panama seems to have been uppermost in the minds of Colombian statesmen even before their country became a member of the great family of nations. In 1819–'20, when they had a diplomatic agent in London seeking recognition, the canal scheme appears to have been among the auxiliaries relied upon for the accomplishment of that end. Denied official recognition at the court of St. James, the minister addressed himself to the leading merchants and capitalists of London, hoping, as would seem, to reach the British cabinet through the maritime and commercial interests of her great metropolis. In one of his dispatches to General Bolivar he reports a willingness on the part of certain commercial houses to subscribe a loan of $60,000,000 for the purpose of opening the canal, provided its neutrality should be guaranteed by some maritime power able to maintain it.

Two years later, when, over the protest of the Spanish Cortes, the United States recognized the independence of Colombia, England and France still withheld their recognition of the new Republic. But the action of the United States had already opened some of the European ports to the Colombian flag, and stimulated the maritime powers to a more favorable consideration of her claims to independence. It was whilst this final action by the cabinets of Europe was pending that President Bolivar pressed the consideration of the Isthmian canal project upon the Colombian Congress. He urged that body to enact a special law authorizing a contract with some foreign Government or corporation for opening a ship-canal across the Isthmus. The Congress responded to his wishes; but the scheme came to nothing, and little more was heard of it until some time in 1832, when the old Colombian Union was in the throes of dissolution, and New Granada was aspiring to recognition as an independent state.

The first contract, however, for opening an interoceanic highway through the Isthmus of Panama was in 1834. Since then there have been thirteen in all, or, say, one upon an average of every four years. Of these, one only (that for the construction of the Panama Railway) was ever seriously undertaken. Hence it is a noteworthy fact that the only contract ever carried out was the only one that was ever made under a guarantee of the neutrality of the Isthmus by a foreign Government.

This guarantee, made in Article XXXV of the treaty of 1846 between the United States and New Granada, has a somewhat curious history. It was given at a time when we had a respectable merchant marine, and in consideration of special commercial privileges. Nevertheless, it was not popular with the minority in the United States Senate, and its ratification was deferred in consequence until the session following.

The Panama Railway Company was the first to become dissatisfied with this guarantee; and in 1849, Mr. Ludlow, the president of the company, wrote to the Hon. John M. Clayton, Secretary of State, urging him to instruct our diplomatic agents in London, Paris and Bogota to use

their influence to secure a joint guarantee by England and France. In December of that year our ministers were instructed accordingly. But both England and France then considered the single guarantee by the United States ample for all possible contingencies; and Earl Russell, the British premier, speaking for his own Government, so officially informed the New Granadan minister in London.

Even as late as December, 1871, there was an official intimation to the Colombian Government that, upon certain contingencies (which then seemed likely to happen), the Government of the United States would take into consideration the expediency of terminating the guarantee of the neutrality and sovereignty of the Isthmus. And again in February, 1872, our diplomatic agent at Bogota was instructed to intimate a like purpose; but he was also instructed to inquire whether any other Government had guaranteed the neutrality of the Isthmus.

It is probable that in view of the then recent outrages by Colombian citizens upon an American vessel in Isthmian waters, and for which the Government at Bogota seemed unable or indisposed to make suitable reparation, it was in the mind of the Secretary of State to terminate the guarantee of sovereignty, provided the neutrality of the Isthmian transit could be provided for.

The inability of Colombia to maintain this neutrality was as evident then as it is now. Indeed there has never been a time since the independence of the country when Colombia had the means of enforcing the neutrality of an Isthmian transit. She has no navy, nor has she the means of maintaining one. She has no army, and if she had it could hardly be relied upon under a constitution of government which recognizes the unqualified sovereignty of each of the constituent states of the confederation. * * *

Under these circumstances, and considering the great importance of the free transit to the commerce of the world, and particularly to the United States, this guarantee of neutrality by some power able to maintain it becomes a necessity. And when it is borne in mind that the United States have a greater interest in this free transit than any other maritime power, and that whilst Panama is fully twenty days from the Colombian capital, it is only about three and a half from New Orleans, and less than nine from Washington and New York, the guarantee seems wisely confided to the United States Government. We thus become the trustee, as it were, of this great international highway; and since this trust can be neither abused nor neglected except under accountability to the moral sense of the whole commercial world, it has been very justly regarded as satisfactory by all the maritime powers, and ought for the same reason to be the safest possible arrangement for the Government of Colombia.

But the possible opening of an interoceanic ship channel through the Isthmus renders still more grave and onerous this obligation to preserve the neutrality of the transit and the sovereignty of Colombia over the territory through which it passes. Colombia herself has not failed to realize this, for she has admitted it to be her duty to concur with the United States Government in the defense of her territory and of the neutrality of the Panama Canal. But she does not seem to realize that this defense of the Isthmian transit and of the sovereignty of the Isthmian territory implies the use of all the means necessary to that end. Otherwise, she would recognize that any grant or concession made by her for the purpose of opening the canal ought to have been made subject to the rights accruing to the United States in virtue of the guarantee referred to. And it is equally manifest, as I

read the treaty of 1846, that whilst the sovereignty of Colombia over the Isthmus should not be divested, the use of the canal ought to be as free to the Government and citizens of the United States as to the Government and citizens of Colombia. Nor should the Government and citizens of the United States be subjected to tolls or conditions upon its use other than may be imposed upon the Government and citizens of Colombia. Moreover, and as a legitimate sequence to these propositions, whenever the canal shall become the property of Colombia, she should hold it merely as a trust for the commercial world, collecting only such tolls as may be necessary for its proper administration, and as a reasonable revenue to the Government, proportioned to the general taxation of real and personal property.

But there are other rights, incidental to this obligation to maintain the neutrality of the canal and Colombia's sovereignty over the Isthmus, of a still more important and practical nature. Among these is the right to occupy and fortify such places in the ports and harbors at the termini of the canal as may be necessary for the establishment of coaling stations, naval depots, and ship yards and docks, and the right to establish and occupy such fortifications at its entrances as may be necessary for the maintenance of its neutrality and of the sovereignty of Colombia over the territory through which it passes, and, incidental to these rights, the canal should, as a matter of right, be closed to the naval vessels and military transports of all nations, except Colombia and the United States, whether in time of peace or war; but this, of course, need not preclude the two powers named from agreeing to declare the canal open to the innocent use of vessels of war of all nations in time of peace.

* * * * * * *

I am, &c.,

WM. L. SCRUGGS.

No. 94.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 28.] UNITED STATES LEGATION,
Bogota, September 23, 1882. (Received October 21.)

SIR: After a continuous session of nearly eight months, the Colombian Congress adjourned on the evening of the 18th instant, to meet again in regular session on the 1st of February next. The session which has thus come to a close lasted nearly five months in excess of the maximum limit prescribed by the Colombian constitution. * * *

Among the enactments, however, which received the executive sanction is the law No. 73, authorizing the President to enter into a contract with the De Lesseps Canal Company whereby that company shall be authorized to introduce into the State of Panama new silver coins of the denomination of $1 each (of 90 per cent. pure silver) to the amount of $1,000,000. The new coins are to be made in the mints of some foreign Government, but are to bear the stamp, arms, &c., of Colombia, as specified in the coinage laws of the Republic. This privilege is to continue eight months from the date of the contract provided for, and fo

which the company is to pay to the Government 4 per cent. on the gross amount introduced. The sum thus received by the Executive is to be expended in the purchase of machinery, &c., for the use of the national mint of the Republic.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 95.

Mr. Scruggs to Mr. Frelinghuysen.

No. 33.] UNITED STATES LEGATION,
Bogota, October 2, 1882. (Received November 4.)

SIR: The records of this legation show that from the earliest recognition of her national independence Colombia has been almost constantly at issue with our diplomatic representatives here touching the custody of the register and papers of American vessels by our consuls in her ports. The legislation of the Republic relative to the formalities of entrance and clearance of foreign merchant vessels in her seaports is certainly a serious chapter in parliamentary literature; and whilst I do not doubt its general rectitude of intention, it has certainly been, as a whole, singularly at variance with recognized international usage.

This legislation finally culminated in law 60 of 1875, and that law was the occasion of the diplomatic agreement of 1876, in which our representative here seems to have taken the initiative. By that agreement the Colombian law, whereby the inspector of the port was made sole custodian of ships' registers and papers, was held in abeyance, and the foreign consuls in the ports of the Republic were thenceforth to have the undisputed custody of the register, muster-roll, &c., of the ships of their respective nationalities. It was further specified in the "agreement" that the obnoxious law 60 should be repealed, or else so modified as to conform to international usage.

In August following, however, our national Legislature, in its desire to economize public expenditures, abolished this legation. The obnoxious law 60 was lost sight of, and when the Colombian Congress convened in February, 1877, it, so far from repealing or modifying the law referred to, passed a supplementary act providing for its rigid enforcement.

This culminated in the unfortunate affair of the Lorine, at Aspinwall, and when this legation was restored the discussion of the subject of the custody of ships' papers was resumed. That discussion resulted in the repeal of the law 60, in accordance with the "diplomatic agreement" of 1876, and in the enactment of law 40 of 1879, whereby the consuls' right to the custody of ships' papers was fully conceded.

But very soon thereafter the State authorities of Panama practically defeated the operation of the new law by a local edict requiring shipmasters to procure, at great delay and expense, collateral certificates from every petty State official in the place that the vessel owed them nothing and that it had their consent to go to sea.

This renewed the discussion at Bogota, and finally resulted in the federal law 109 of 1880, providing for the enforcement of law 40 of 1879, unembarrassed by the local or State law of Panama referred to, or by any other local law or edict whatsoever. It was supposed, therefore,

that the question had been thus finally settled, and that it would not again crop out for vexatious discussion at the Colombian capital.

What was my surprise, then, upon assuming the duties of this post, to find that, among other complaints against our consul at Aspinwall by the inspector of that port, was one that he persistently refused to respect this very local edict which the Colombian Congress had so expressly set aside.

This complaint was the occasion of my note of the 2d ultimo, addressed to the Colombian minister for foreign affairs, a copy of which is herewith submitted.

The minister's reply thereto, dated the 25th ultimo (a copy and translation of which I inclose), shows that whilst he is desirous of asserting the supremacy of the federal over the State law, he seems not to have realized that a federal official in Aspinwall had been persistently endeavoring to enforce the local edict over the consul's just opposition. Hence my rejoinder of the 26th ultimo, a copy of which is herewith submitted, and which I trust may be the finale of a discussion extending through a period of more than half a century.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 33.]

Mr. Scruggs to Mr. Quijano W.

UNITED STATES LEGATION,
Bogota, September 2, 1882.

The undersigned, minister resident of the United States, presents his most respectful compliments to the Hon. Señor Don J. M. Quijano W, secretary for foreign relations of the United States of Colombia, and begs to invite the honorable secretary's attention to the following considerations:

1. By the laws of the United States the master of any foreign merchant vessel must, within forty-eight hours after entry into any port of the country, deposit the ship's register and other papers with the consular officer of the nation to which the vessel belongs; and he must deliver to the collector of the port the consul's certificate that the papers have been so deposited. Failure on the part of the master to comply with this regulation, or failure on the part of the consul to retain the ship's papers until a proper clearance is produced from the custom-house authorities, subjects the one to a fine of not less than $500 nor more than $2,000, and the other to a fine of not less than $500 nor more than $5,000. (R. S., secs. 4209 and 4211.)

2. This law, which is reciprocal in its application, extending to the vessels of foreign nations in whose ports United States consuls have like privileges, has been in force for more than sixty years, and is believed to be in accord with established international usage. A similar regulation exists in every maritime country of Europe, and also in many of the principal maritime and commercial states of Asia. Experience has shown that it affords ample protection to the national revenue and compels obedience to port regulations; and it is specially commendable for its simplicity and convenience.

3. The existing treaty stipulations between the United States and Colombia, whereby the consuls of each country in the ports of the other may demand from the local authorities the arrest of deserters from the vessels of their respective nationalities, is a specific recognition of the principle of reciprocity contemplated in the statute above cited. It is manifest, for instance, that unless the consul can have the custody of the ship's register and muster-roll he can neither exhibit those papers to the local authorities nor make an intelligent or practical demand for the arrest of deserters from the ship. (See Art. III, Par. 2, of the consular convention between the United States and Colombia of May 4, 1850.)

4. The Colombian law No. 40, of June 24, 1879, was, as the honorable secretary may remember, the outgrowth of the "diplomatic agreement" of July, 1876. It repeals the obnoxious law No. 60 of 1875, and thus places Colombia in accord with international usage and in harmony with her treaty stipulations above cited. It provides, *for instance, that the* master of a foreign merchant vessel entering Colombian ports

posit her register and papers with the consul of her nationality and take a for the same, and that this consular receipt or certificate of deposit shall be ed to the inspector of the port. When ready for sea, the master of the ves- t obtain a clearance from the inspector, exhibit this to the consul, and receive ie ship's register and papers. Failure on the part of the master to comply with egulations subjects him to a fine of from $500 to $1,000; and failure on the part consul to hold the ship's papers until the inspector's certificate of clearance is ed to him is sufficient cause for revoking his exequatur.

lis law, like that of the United States already cited, is in accord with the spirit consular convention between the two countries. It is likewise in accord with usage; and when properly and faithfully executed can give no cause for int by maritime powers.

lt, if the undersigned is correctly informed, its execution at the free ports of Aspinwall) is practically defeated by a local or State law of Panama, which s the inspector (a federal officer) to withhold the certificate of clearance until master shall have produced to him a certificate from each and every local or fficial of the place that there is nothing pending before them to detain the ves- further provides that to each of these collateral certificates must be attached duty of 80 cents; and it imposes an additional fee of $5, usually paid to erk in the office, for preparing the certificates in the Spanish language, and for ng thereto the signature of some petty official of the State or district, who, in ises, must be sought in the streets or elsewhere than in a known and convenient f business, thus causing unnecessary and unauthorized expense, as well as nnoyance and frequent delays, to merchant vessels of the United States visit- t port.

ie undersigned, therefore, respectfully submits, first, that this local edict or aw, by imposing additional taxes on foreign commerce, and by materially alter- amending a federal law of Colombia, is an assumption of powers which, under lombian Constitution, pertain exclusively to the national Government, and should therefore be held to be null and void; second, that it is in direct con- ith article 21 of the contract between the Colombian Government and the a Railway Company, which exempts vessels entering the free ports of Colon vall) and Panama from the payment of tonnage and all other dues, taxes, utions, or imposts whatsoever; and, third, that its enforcement against mer- essels of the United States is in open violation of Article II of the treaty be- he United States and New Granada (now the United States of Colombia) of h of December, 1846, since it appears not to be enforced against British mer- essels trading at the same port.

r these reasons therefore, as well as in accord with that spirit of friendliness rness which ought to characterize the commercial intercourse of the two ics, the undersigned ventures to express the hope that the Executive of the will adopt some measures to put a stop to these petty discriminations against an vessels in Colombian ports. The law No. 40 of June 24, 1879, never con- ed these unnecessary and vexatious conditions, and it should be enforced im- y, and without amendment or interference by the local or State authorities of .

undersigned improves, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 2 in No. 33.—Translation.]

Mr. Quijano W. to Mr. Scruggs.

UNITED STATES OF COLOMBIA,
OFFICE OF FOREIGN RELATIONS,
Bogota, September 25, 1882.

INISTER: The Hon. Mr. Dichman addressed a note to this office, dated the April, 1881, having in view the same object as that set forth in your excel- esteemed communication of the 2d instant, namely, that a local law of the Panama, and a decree for its enforcement, had subjected merchant vessels ree ports of Panama and Colon to certain exactions of an extraordinary char-

xecutive power accordingly asked of the State authorities of Panama copies law and decree referred to, in order that such steps might be taken in the s as might be deemed necessary and proper. The reply received was that te government had not expedited any such acts, nor any others that could ie entrance and clearance of merchant vessels at the ports named; and that ssels were subjected only to the provisions of law 40 of 1879.

With respect to the fees collected by certain officials, in conformity with article 421 of the fiscal code, for issuing the certificates necessary to the clearance of vessels as prescribed by State regulations, article 15 of the law 109, of the 24th August, 1880, provides that thenceforth no such fees should be demanded; and that law was communicated to the Government of the State of Panama, in a note from this office dated December 7, 1881.

Everything relating to this subject was transmitted to Congress, together with the notes passed, in the annual report from this department for the year referred to.

I am, therefore, induced to believe that perhaps your excellency may not have been duly informed of the facts, since there is neither apprehension nor suspicion that the collection of those duties upon clearance certificates has been persisted in.

I improve, &c.,

J. M. QUIJANO W.

[Inclosure 3 in No. 33.]

Mr. Scruggs to Mr. Quijano W.

UNITED STATES LEGATION,
Bogota, September 26, 1882.

Mr. SECRETARY: I had the honor to receive your excellency's note of yesterday, in reply to mine of the 2d instant. I am quite familiar with the correspondence of 1881 to which your excellency refers. I was also aware that the inspector of the port at Colon had been instructed to execute the law 40 of 1879, unembarrassed by the local edicts complained of. I was, however, under the impression that those instructions had either been imperfectly understood, or else not very faithfully obeyed.

In a dispatch to this legation dated the 22d of January last, the United States consul at Colon says distinctly that the local edict referred to was still sought to be enforced against merchant vessels of the United States, whilst English vessels were exempted therefrom. I cannot believe that the consul would have made so explicit a statement had there been no foundation for it. Moreover, his statement is corroborated by that of the inspector himself, for in his note of the 20th of the same month to the honorable secretary of the interior, at Bogota, the inspector complains of the consul for refusing to comply with the local law and edict referred to. The inference is legitimate, therefore, that he was still trying to enforce those provisions, against the consul's opposition to them.

The inspector, in his note referred to, also complained of the consul for having franked letters to the United States at half rates of postage. Investigation proved that complaint to have had some foundation, and immediate steps were taken to prevent a repetition of the offense. But the consul's just and honorable refusal to respect an unauthorized local edict amendatory of the federal law 40, of 1879, was likewise made a cause of complaint. Hence the occasion of my note of the 2d instant, addressed to your excellency, which, however, seems to have been regarded as the result of imperfect information.

Nevertheless, I am gratified to observe that my opinion touching the validity of the local law, whereby vessels of the United States have been put to so much inconvenience, is fully concurred in by your excellency, and I have no doubt the Government whose foreign relations your excellency so worthily represents, will find prompt and effective measures for putting an end to such annoyances.

I improve, &c.,

WILLIAM L. SCRUGGS.

No. 96.

Mr. Frelinghuysen to Mr. Scruggs.

No. 31.] DEPARTMENT OF STATE,
Washington, November 10, 1882.

SIR: Your No. 33 of the 2d ultimo, reporting late correspondence with the secretary for foreign affairs, touching the deposit of ships' papers with the consul of the nation has been received.

The Department is pleased to see that a question so long under discussion, and in which the justice as well as the convenience of our con-

tention is so evident, is apparently near its close, and will be still more gratified to learn that your last note to his excellency has resulted in completely removing the discordance existing at Panama and Colon, between the federal and the local requirements.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 97.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 54.] UNITED STATES LEGATION,
Bogota, December 20, 1882. (Received February 1, 1883.)

SIR: Perhaps a brief recurrence to the physical and climatic pecularities of this portion of the Colombian Republic, in continuation of the subject of my No. 3, of the 7th of July last,* may not be uninteresting to the Department. And I am the more inclined to crave your indulgence on this point since a recent commercial enterprise of an international character has drawn general attention to this country, hitherto comparatively little known even to the people of the United States.

It is, however, a country of singular beauty and of inexhaustible natural resources. Such is its remarkable formation that, although not exceeding in area three of the larger States of our Union, it presents every variety of climate, and is capable of yielding every species of product found in the three zones of the earth; whilst, for boldness and grandeur of natural scenery, it is probably without a rival on the globe.

But, perhaps, the most unique display of Andean scenery is found a few miles north of the Ecuadorian boundary. Here the Cordilleras combine into one dizzy ridge before spreading out into three distinct ranges. One of these, bending to the northwest and lowering its crest as it passes the narrow isthmus, loses its grandeur only in the icy plains of Alaska. The central range, running due northward, culminates in Mount Tolima (the highest peak north of the equator), and soon disappears in the blue waters of the Caribbean, while the third, or eastern chain, turning to the right and dipping gracefully toward the rising sun, holds in its lap, at an altitude of nearly two miles above the sea level, the magnificent plain on which is situated the Colombian capital.

This plain, in its general outline and conformation, may be said to resemble an oval-shaped dish, slightly inclined southeastward, but otherwise perfectly level. The high, circular wall of treeless mountains would correspond to the outer rim of the dish, while the inner lobe or rim is represented by the foot-hills or "benches." Its extent is about 25 leagues from north to south by about 11 from east to west, and, therefore, contains an area of about 2,500 square miles. It is well watered by numerous creeks and small fresh-water lakes, besides the river Funza and its immediate tributaries. All these streams have their several sources in the surrounding Sierra, and run, in general direction, southwestward to the limit of the plain, where they are united and precipitated over the

*Published in Foreign Relations, 1882.

noted Falls of Tequendama, the only visible outlet of the waters of this immense basin.

The inner rim or wall of this great aerial valley is an undulating ridge of rich loam, underlaid with sandstone. This terminates in a kind of bench or terrace before breaking off into the rugged and barren Sierra, which rises to a height of from 2,000 to 3,000 feet above the level of the plain.

There is an aboriginal tradition that this entire basin was once the bed of a great fresh water lake; and there is probably no one fact more clearly indicated by modern geological research than that this tradition had its origin in the existence of a veritable lake, covering the whole area, possibly as late as the eleventh century.

At the time of the Spanish conquest, in 1537, the inhabitants of this region were the Chibchas, who, according to Quesada, numbered about three quarters of a million. Their form of government was essentially patriarchal, and their habits were those of an agricultural people given to the arts of peaceful industry. Their religion contained much to remind us of the ancient Buddhists. It imposed none of those revolting sacrifices of human victims which marked the rituals of the Aztecs. They had their divine mediator in *Bohica*, or deity of mercy. Their *Chibchacum* corresponded to the Buddhist god of agriculture. Their god of silence, as represented by earthen images which I have examined, was almost identical with the Buddhist god of wisdom, as represented by the images in some of the Chinese temples. They had also a traditional spirit of evil, corresponding to *Neawatha* of the ancient Mexicans, and to the Satan of the Hebrews. And connected with their flood myth was a character corresponding to the Hebrew Noah, the Greek Deucalion, and the Mexican *Cojcoj*.

The capital of the Chibcha empire was *Bocatá*, of which *Bogotá* is manifestly a mere corruption. It was situated near the site of the present Colombian capital. But their most ancient political capital was *Monquéta*, near the site of the present village of Funza, on the opposite side of the plain. Near the site of the present grand cathedral, in the heart of the present city of Bogota, was a temple consecrated to the god of agriculture. Here the Emperor and his caciques, accompanied by the chief men of the country, were wont to assemble twice a year and offer oblations to the deity who was supposed to preside over the harvests, a ceremony not unlike the "moon feasts" celebrated in many of the interior districts of China.

The altitude of the plain above the sea-level is 8,750 feet, and its mean temperature is about 59° Fahrenheit. The atmosphere is thin, pure and exhilarating, but it is perhaps not conducive either to longevity or great mental and physical activity. A man, for instance, accustomed to eight hours' daily mental labor in New York or Washington will here find it impossible to apply himself closely for more than five hours each day. If he exceeds that limit, ominous symptoms of nervous prostration will be almost sure to follow.

The climate is an abnormal one. It is not exactly a temperate zone beneath the equator, as is sometimes represented, and yet, barring its tendency to develop nervous complaints, it is not unhealthful. There is no malaria. Yellow fever, cholera, pulmonary consumption and agues are unknown. Sunstrokes are never heard of, and nobody ever suffers from frost-bitten extremities. The planting and the harvest season is in each month of the year, and two annual crops may without difficulty *be grown* on the same soil. I have seen farmers harvesting and sowing *in adjoining* fields in December, and likewise in July.

I have never found respiration at this altitude either painful or difficult, as many have represented. It is, however, necessarily both deep and rapid, forcing the blood through the veins at a rate of from 80 to 85 strokes per minute. A man, for instance, whose normal pulse is 75 at the coast, will find upon his arrival here that it has reached 80.

July and August are considered the most inclement and disagreeable months of the year. Thus, midsummer is known here as the *inverano* or *paramo* season, that is, winter, when the dense mists rising from the torrid plains and valleys below are blown over the bleak sierras and settled over the plains, rendering the air exceedingly damp and chilly. The "rainy season" proper begins about the last of September and continues at intervals until about the first of December. From that time to about the middle of February the climate is almost perfect. The atmosphere is of transparent clearness—pure, crisp, and balmy. The sky is of a dark indigo color, and at night the stars shine out with uncommon brilliancy.

A moonlight night is something indescribably beautiful. The stars of both hemispheres are distinctly visible, and the "Milky Way," viewed from this altitude, is one of the most gorgeous sights in the tropical heavens.

At this season Ursa Major, the Magellanic nebula, and the Southern Cross are at once visible in all their splendor. There is very little twilight. The boundary line between day and night is well defined; but if the twilight is marvelously short, it is surprisingly beautiful, and a December sunset in Bogota never fails to arrest the attention of strangers.

The lakes and water-courses of the plain abound in fish, but only of a single species. These are a kind of slimy eel, not unlike those exposed for sale in the market places of Central China, certainly not very prepossessing in appearance, though quite palatable when properly cooked. There is also an abundance of water-fowls, especially the teal duck, so highly prized in Europe. I believe no effort has ever been made to introduce the shad or other species of fish in the waters of the plain, though there is really no reason why such an effort should not prove both successful and profitable.

The soil of this valley, as I have intimated in another dispatch, seems to be of almost inexhaustible fertility. The staple product is Irish potatoes, a native of the Andes, by the way. Maize and a degenerate species of Indian corn grow well, but mature slowly and imperfectly. Wheat and rye do much better, and are grown in considerable quantities. The strawberries are delicious, and grow without much attention. Rice will not mature in this cool, thin atmosphere. The peaches and apples are almost worthless. The cabbage and cauliflower are extensively cultivated, but the cabbage never "heads," and is eaten green as in Florida and Texas. Red clover is a recent innovation, but has proven quite a success.

Here, as elsewhere in Spanish America, the mule is a necessary appendance of the civilization, but the hog is almost an exotic; nobody ever eats pork or bacon in Bogota. The beef and mutton are excellent, but both are usually spoiled by the butcher.

Bituminous coal, of an excellent quality, abounds in the foot-hills all around the plain, and there is an abundance of iron ore just beyond, but neither is ever seriously molested. The inhabitants continue to use charcoal, prepared many leagues distant and brought hither on pack mules at a great expense. Coal oil has been discovered within one day's ride from the national capital, *yet people* here import petroleum from the

United States at an average total cost of $1.20 a gallon. Those who cannot afford this luxury continue to burn tallow candles. Some years ago an American company attempted to establish gas works here, but, owing to the difficulty and great expense of transporting metallic pipes over the mountains, wooden ones were substituted, and the result was almost a complete failure. It is probable the electric light, as recently perfected in the United States, would under all the circumstances be cheaper and more practicable in a city like this.

* * * * * * *

I have, &c.,

WILLIAM L. SCRUGGS.

No. 98.

Mr. Scruggs to Mr. Frelinghuysen.

No. 55.] UNITED STATES LEGATION,
Bogota, December 23, 1882. (Received February 1, 1883.)

SIR: It becomes my painful duty to announce the death of the President of the Colombian Union, Dr. Francisco Javier Zaldúa, which took place at the executive mansion in this city, at the hour of 1 p. m., on the 21st instant. The event was not unexpected. The deceased had reached the advanced age of seventy-three years, and had been in very feeble health for several months.

The funeral ceremonies took place to-day, and in the order set forth in the printed programme, of which I inclose a copy and translation. It was the first instance in the history of the Republic of a President of the Union dying in office, and this fact doubtless contributed to the solemnity of the occasion. The entire city was draped in mourning, and the funeral procession was unusually large and imposing.

Dr. Zaldúa was a man of fine abilities and rare attainments. A lawyer by profession, he had never made mere partisan politics a business. He had, however, at different times been called upon to discharge many important public trusts, and in all these he left a record and a name unsullied. He had none of the qualities of a great political leader, and none of the arts of the successful demagogue. But his marked abilities and sterling integrity of character made him a conspicuous figure among his countrymen, and his election to the presidency, like his previous elevation to the several posts of legislator, judge, and cabinet minister, seems to have been unsought, possibly unexpected by him.

The first *Designado*, or Vice-President of the Republic, ex-President Rafael Nuñez (now governor of Panama), being absent, the duties of the national Executive devolved upon the second *Designado*, Don José E. Otolara, who assumed charge on the 22d instant. Señor Otolara is a man about fifty-five years of age, and has had considerable experience in public life. He was at one time governor of the State of Boyaca, afterwards consul-general in London, and at the time of the death of President Zaldúa he was a member of the Colombian Senate.

The entire cabinet of the late President tendered their resignations, and their places have already been supplied by the following appointments, viz: To be secretary for foreign affairs, Señor Antonia Roldan; the interior, Don Buenaventura Reinales; of finance, Dr. Aniba*l Galindo;* the treasury, Señor Alejandro Posada; of public works

(*fomento*), Señor Laza Grau; of public instruction, Señor Apolinor Rueda; and of war, General Mateus.

The new cabinet is upon the whole a very good one, and, so far as I can judge, is likely to prove satisfactory to the country, or at least to the political party in power.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 99.

Mr. Davis to Mr. Scruggs.

No. 40.] DEPARTMENT OF STATE,
Washington, January 22, 1883.

SIR: I transmit herewith for your information, and in order that you may be prepared for any conference with your British colleague upon the subject, copy of a note from the British minister at this capital, of the 15th instant* concerning the custody of ships' papers when in the ports of Colombia.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 100.

Mr. Frelinghuysen to Mr. Scruggs.

No. 43.] DEPARTMENT OF STATE,
Washington, February 5, 1883.

SIR: Your dispatch No. 55 of December 23 last has been received. You therein report the death of his excellency Dr. Francisco J. Zaldúa, President of the United States of Colombia, which occurred on the 21st of that month at the executive mansion.

It is the desire of the President that you will suitably convey to the minister for foreign affairs the condolences of the Government and people of the United States with those of Colombia in the affliction which they have been thus called upon to endure by the death of their late lamented President.

You will at the same time take occasion to deliver to the minister for foreign affairs the inclosed note, acknowledging one from Señor Perez of the 26th of December, 1882, announcing also the death of President Zaldúa.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 43.]

Mr. Frelinghuysen to Mr. Roldan.

DEPARTMENT OF STATE,
Washington, February 5, 1883.

SIR: I have had the honor to receive the note of his excellency Julio E. Perez, of December 26, 1882, wherein he has announced the death of his excellency Dr. Francisco J. Zaldúa, lately President of the United States of Colombia, which occurred at the executive mansion the 21st of that month.

---

* See correspondence with British Minister at Washington.

I am directed by the President to convey to you an expression of his own sympathy and that of the Government and people of the United States with the citizens of Colombia for the great loss sustained by them in the death of their late chief magistrate, and to add that the assurances of amity and good will which are entertained by the new Executive of Colombia toward the United States have been received with much gratification, and are heartily reciprocated.

I avail, &c.,

FRED'K T. FRELINGHUYSEN.

No. 101.

Mr. Scruggs to Mr. Frelinghuysen.

No. 63.] UNITED STATES LEGATION,
Bogota, February 8, 1883. (Received March 16.)

SIR: By the Constitution and laws of Colombia the federal Congress of the Republic provides for possible vacancies in the office of President by the annual election of three *Designados* or Vice-Presidents, the first of whom, in case of the death, resignation or inability of the President, assumes the title and duties of the executive office. In case of the absence, death, resignation or inability of the first *Designado*, the second assumes the title and duties of President, and so of the third, in case of the absence, death, resignation or inability of the second.

If Congress should fail to elect *Designados*, or if all three should be absent, dead or incapacitated at the time the vacancy happens, then the title and duties of President are assumed by the *procurador-general* of the nation. The office of *procurador-general* corresponds to that of Attorney-General of the United States, but the incumbent is elected each year by Congress, instead of being appointed by the President like the other members of the cabinet.

The term of each *Designado* and likewise of the *procurador-general* is one year; that is, it extends from the 1st of April of the year in which he is chosen to the 1st of April of the next year. So that in case either should come into charge of the Presidential office, the position becomes again vacant after the 1st of April following, provided the unexpired Presidential term extends beyond that date, in which case Congress supplies the vacancy. This it may do by re-electing the *Designado* or the *procurador-general* in charge, or by selecting a new man for the position.

Upon the death of the late President (Dr. Zaldúa), Señor Otolora, the second *Designado*, assumed the title and duties of President by reason of the absence of the first *Designado*, Dr. Nuñez. But as his term as *Designado* expires on the 1st of April next, it devolved upon Congress to choose a successor. This it did on the 7th instant, by electing Señor Otolara to be first *Designado* for the year ensuing, April 1, 1884, and in virtue of which he will be President until that time.

I believe this is the first instance in the history of the Republic when the legislative department of the Government had the unrestricted power of naming a President of the Union. Heretofore, when the election was thrown into Congress, that body was restricted to a choice between the two or more candidates whose claims had not been decided under the forms prescribed for the biennial election of Chief Magistrate.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 102.

Mr. Frelinghuysen to Mr. Scruggs.

No. 51.] DEPARTMENT OF STATE,
Washington, March 6, 1883,

SIR: Mr. Consul Rice has sent to the Department, from Colon, a copy of his dispatch to you, No. 13, of the 15th ultimo, touching the rules for the deposit of foreign ships' papers at that port. Mr. Rice's object in doing this was to save the time which would necessarily pass before his reports could reach you and be in turn communicated to the Department. His thoughtfulness merits approval.

Mr. Rice's dispatch shows that the law on this subject is impartially applied to steamers and sailing vessels of all nations, and that consequently there is no discrimination to complain of.

At the same time he points out the peculiar disadvantages of the rule in the case of steamers making a brief call at the port, and liable to depart at short notice on completing their lading. The inconvenience and often the difficulty of obtaining five distinct permits from the several local authorities amounts to a vexatious restraint upon the liberty of trade, so desirable at free ports of transit like Aspinwall and Panama.

Your No. 33, addressed to this Department on the 2d of October last, shows that you have fully acquainted yourself with the past history of the discussion with the Government of Colombia touching the deposit of ships' papers. I need therefore do no more than refer you to the Department's instructions to Mr. Dichman, No. 51, of 13th June, 1879, and No. 65 of 15th August of the same year, from which you will perceive that, at the time the modification of 1879 was proposed, this Government was concerned in no small degree lest the application of the law in the free ports of Panama and Colon would result in any disadvantages to the steamers of the United States, either absolutely, or as compared with the steamers of other nations. Mr. Dichman's No. 158, of the 9th November, 1879,* reported the promise of the secretary for foreign affairs, Señor Rico, to recommend such a change in the law as might be required by the exceptional position of the free ports. It is apparent that no special provision has been made therefor.

The Colombian statute of 1879 (law 40, June 23), provided in Article III that—

> Said consular officers shall not return the register and other documents to the captain who may have deposited them in their hands until the clearance be presented to them executed by the proper authority.

It was presumed that this would be a simple formality, requiring only the concurrence of the foreign consul and the *administrador* of the port, and therefore not inconvenient of application to the steamers frequently touching at the free ports.

In practice, however, it is found to be a serious inconvenience, and the more so as not one official transaction, but five, are required, thus being tantamount to compelling a foreign steamer to take out five distinct clearance papers before being able to leave port.

This Government is of the opinion that the position of the free ports of Panama and Colon, as mere stations on one of the world's most important highways, should demand a simpler and less rigid enforcement of customs rules against the vehicles of mere transient passage than

* Printed in Foreign Relations for 1880.

may be requisite to protect the fiscal interests at ports of entry. It is deemed that the mutual concessions and guarantees under which the transit was established entitle all those who honestly and pacifically use it to exceptional facilities which may not be needed or be even proper at other ports. It would be very much to be regretted if a contrary course should prevail, in conflict with the true interests of Colombia herself, no less than of those who avail themselves of the privileges incidental to the transit.

You will, therefore, bear in mind, in your discussion of this matter with the secretary for foreign affairs, the wish of this Government that the transit traffic across the Isthmus should be unhampered by vexatious or petty restrictions of any kind, and that the indispensable formalities for the entrance and clearance of steamers at Colon and Panama should be reduced to the simplest and most expeditious form. Against the application of law 40 of 1879 to the other customs ports of Colombia we have no grounds to remonstrate. That law was viewed as a graceful concession to the view which this Government expressed on its own behalf and on behalf of the peaceable commerce of all countries.

It is conceived, however, that the condition of the free ports puts the question there on a different footing, and this Government therefore renews the friendly suggestion made in 1879 that the requirements of the rule at Colon and Panama be modified and simplified so as to involve but one transaction between the foreign consul and the chief authority of the port as a condition to the clearance of a steamer.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 103.

Mr. Scruggs to Mr. Frelinghuysen.

No. 80.] UNITED STATES LEGATION,
Bogota, April 9, 1883. (Received May 31.)

SIR: I send you, under separate cover by this mail, a copy of the report by the Colombian minister for foreign affairs to the President of the Republic, and submitted to the Congress of 1883. You will observe, however, that this report, although published only a few days ago, was prepared by the late minister, Dr. Quijano Wallis, who resigned his position in the cabinet on the 21st December last, upon the occasion of the death of the late President, Dr. Zaldúa.

The most important part of this report relates to the subject of the Panama Canal, and which I have translated, as follows:

INTEROCEANIC CANAL.

The work of this important enterprise, of transcendent importance to the future of Colombia, continues without interruption under the direction of the illustrious M. De Lesseps.

The canal company has bought nearly all the shares in the Panama Railway enterprise, and, as, according to De Lesseps' report, made in June last to the assembly of shareholders, the American law gives the most extensive powers to the majority of shareowners in a corporate society, the canal company, in virtue of these powers, now becoming the substitute for the railway company with respect to its obligations. Acting mainly upon this consideration, this department directed the extensive note to the

Senate already known to you,* touching the rights of Colombia in virtue of the indemnification provided for by existing contracts in case the canal should cross the privileged territory of the railway.

That note was favorably received by the Liberal press of all shades of opinion, and was finally supported by the Panama Star, one of the most respectable periodicals in South America. It was afterwards reproduced with approval by the Spanish American, a notable periodical publication of Paris. I call your attention to this subject to the end that you may be pleased to bring it before Congress at its next session for a definite decision.

The importance of Colombia as an international entity has greatly increased with the near realization of the Panama Canal. All the American nations, and those of Western Europe that are the most civilized and powerful, have a direct interest in this enterprise. Our privileged Isthmus will become the highway of universal commerce, and the desired passage for armaments and fleets in case of international conflicts.

The most important diplomatic question that will result from the excavation of the canal will be that relating to the effective guarantee of its neutrality.

As is well known, the United States of the North celebrated with England, in 1850, a compact known as the Clayton-Bulwer treaty, by which they compromised themselves with Great Britain not to occupy, fortify, colonize, nor assume dominion over any portion of Central America, and by which they consented to admit Great Britain as a co-guarantor, in any future time, of the protection of a canal through Central America.

The Cabinet at Washington has endeavored to obtain the abrogation of this compact, or at least a substantial modification of it (as was evinced by Mr. Frelinghuysen's note to Lord Granville, transmitted through Minister Lowell in May, 1882),† alleging that the stipulations in that treaty were agreed to when the United States believed the Nicaragua Canal would be constructed in virtue of the concession of 1849, and that the commercial and political circumstances have greatly changed since 1850.

It is possible that England, which, by reason of her connections with her vast oriental possessions, is one of the European nations most interested in the freedom and security of the Isthmian transit, will not abandon the rights she has acquired in the Clayton-Bulwer treaty, but that she will endeavor to have this compact kept in force.

Other European nations, and especially Spain, which have important possessions in the Antilles, have likewise an eye upon the Panama Canal. They see perils to their interests in the exclusive preponderance of the United States in the guarantee of neutrality of the Colombian Canal. In its turn, the American Union repudiates the idea of European intervention in the matters of America, and when the canal is opened, a collision of interests and of diplomatic pretensions may arise between Europe and the great Republic of America.

The Latin nations of America, especially those of the Pacific, have direct interests in the neutrality of the canal, since, in their commerce and communication with Europe, they will be obliged to pass through it.

The question, then, is one of great gravity, and although its decision may be deferred so long as the canal remains unopened, the Cabinet and Congress of Colombia should begin to give it their attention, seeing that it relates to our future national welfare and to our rich patrimony in the narrow and favored Isthmus.

Recent events in Egypt, and the present condition of that nation, resulting from complications created by the Suez Canal, should ever be borne in mind by us in the consideration of diplomatic questions connected with the Panama Canal.

If Colombia were a strong nation, a military and maritime power of the first order, with great armies, copious resources, fortifications, and naval squadrons, all questions relating to the neutrality of the canal would lose their gravity, and we could, in the exercise of our full and legitimate sovereignty over the territory of the Isthmus traversed by the canal, insure the absolute freedom of transit to the commerce of the world in time of peace, and its complete and universal neutrality in case of war, we being the only guarantors of this freedom and neutrality.

But since, unfortunately, this is not the case, my opinion is that, in so far as the interoceanic canal relates to political questions, the Legislature and Cabinet of Colombia should ever bear in mind the following considerations, namely:

1. That our sovereignty over the Isthmus is full, legitimate and complete, and that therefore Colombia alone has the right to look for and determine the necessary guarantees of the freedom and neutrality of the canal.

2. That in our very weakness lies our strength by reason of the right which assists us; and that their own interests and welfare will naturally constrain the great nations to respect our own.

3. That the best guarantee to other nations for the fulfillment of our obligations is the fact that we are not a first-class power; and

4. That in the selection of means for the security of the canal, our guide, above all

* Reported in dispatch No. 22, September 7, 1882.—W. L. S. (See *ante*.)

† Printed in Foreign Relations for 1882.

other considerations, should be the duty of the Colombian Government to guard th sovereignty of the nation on the Isthmus, which is the jewel of greatest price in ou territory, and the elementary source of our brilliant future. Therefore, in the adop tion of means for the protection of the canal, we should endeavor to separate our- selves as far as possible from the most proximate perils to our sovereignty, if we cannot avoid all such perils.

That portion of the minister's report which relates to the United States exclusively, will be found from page 6 to 12, inclusive. But as all the matters of importance therein treated of have been already fully reported by me to the Department, it is not deemed necessary to in- corporate them in this dispatch.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 104.

Mr. Scruggs to Mr. Frelinghuysen.

No. 82.] UNITED STATES LEGATION,
Bogota, April 18, 1883. (Received May 15.)

SIR: For the information of the Department I inclose herewith a copy and translation of a convention of arbitration between Colombia and Salvador, dated in Paris, December 24, 1880. You will observe that the exchange of ratifications took place in Paris only on the 7th of Janu- ary, 1882, and that whilst the Colombian President's official proclama- tion of this treaty is dated May 23, 1882, its publication was delayed until the 9th instant; that is to say, fifteen months after the formal ex- change of ratifications, and nearly four months after President Zaldúa's death. It is noticeable, furthermore, that this treaty is substantially the same which Colombia sought to make with Guatemala in December, 1881; the only difference being that, in the last named, nothing is said about the proposed Panama congress, while the blank in the corre- sponding second article of the Paris convention is filled by the words "the President of the United States of America."

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 82.—Translation.]

Decree No. 310 of 1882 (23d May), whereby the convention between the United States of Colombia and the Republic of Salvador for the preservation of peace and the send- ing of representatives to an international congress is promulgated as a law of the Republic.

The President of the United States of Colombia, in virtue of the exchange of ratifi- cations in Paris, January the 7th, 1882, proclaims the following to be a law of the Republic:

It being of great importance to give a solid basis to the cordial relations of friend- ship which have always existed between the Republic of the United States of Colom- bia and that of Salvador, and likewise to affirm the sentiments of international fra- ternity which serve to perpetuate the peace and prosperity of the Americas, Luis Carlos Rico, envoy extraordinary and minister plenipotentiary of the United States of Colombia in France; and José Mar.a Torreo Caicedo, minister plenipotentiary of the Republic of Salvador in France; have, in the name of the Governments they re- spectively represent, agreed upon the following articles:

ARTICLE I.

The United States of Colombia and the Republic of Salvador bind themselves per- *petually to* submit to arbitration, when no solution is reached by diplomatic means,

all controversies and disputes of whatever kind that may (despite the efforts of the two Governments to avoid them) arise between them.

ARTICLE II.

The designation of the arbitrator, when occasion arises for his appointment, shall be made in a special convention, in which also shall be clearly defined the question in dispute, and also the proceedings to be observed in the court of arbitration. If there should be no agreement for the celebration of this convention, or should it be expressly agreed to omit this formality, the arbitrator shall be the President of the United States of America.

ARTICLE III.

The Republic of the United States of Colombia and that of Salvador agree that they will endeavor, at the first opportunity, to celebrate with the other American nations conventions analogous to the present, to the end that the solution of every difficulty between them by arbitration may be definitely agreed upon, and that, in September of the coming year, representatives may be sent by them to an international congress at Panama, for the purpose of adopting some principles as a basis of American public law; it being understood that the Governments of the United States of Colombia and of Salvador will be represented in said congress.

ARTICLE IV.

This convention shall be ratified by the high contracting parties in due form, and the ratifications exchanged at Bogota, San Salvador or Paris within the shortest time possible.

In faith whereof we hereto affix our names and seals, in Paris, this the 24th day of December, 1880.

LUIS CARLOS RICO. [L. S.]
J. M. TORREO CAICEDO. [L. S.]

Given at Bogota on the 23d day of May, 1882.

FRANCISCO J. ZALDÚA.

JOSÉ M. URICOECHEA,
Secretary for Foreign Affairs.

No. 105.

Mr. Scruggs to Mr. Frelinghuysen.

No. 87.] UNITED STATES LEGATION,
Bogota, May 30, 1883. (Received June 29.)

SIR: In accordance with your instruction (No. 51 of the 6th March last), I brought the subject of clearances of American vessels at Colombian free ports to the attention of the Government here, in a note of the 11th ultimo, a copy of which I inclose.

You will see from the reply thereto, a copy and translation of which I inclose, that the Colombian Executive is fully committed to the reform suggested, and that the promise is renewed to induce Congress (which is still in session) to so amend the existing law as to require but one transaction before the consul and the *administrador* of the port, in order to the clearance of American steamers.

Several leading members of both houses have promised me to push the measure through, if possible, before the session closes, but as an early adjournment is expected, I do not feel very sanguine of immediate success.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 87.]

Mr. Scruggs to Mr. Roldan.

UNITED STATES LEGATION,
Bogota, April 11, 1883.

Mr. SECRETARY: In accordance with instructions which I have received from my Government, I again invite your excellency's attention to the subject of entrances and clearances of American vessels in Colombian ports, and more particularly in the free ports of Panama and Colon.

Article 3 of law 40, of June 24, 1879, provides that consular offices shall not return the register and other documents to the captain who may have deposited them in their charge "until the clearance be presented to them executed by the proper authorities."

This was understood, at the time of its enactment, as requiring only the concurrence of the consul and the *administrador* of the port in order to enable the vessel to clear, and therefore that it would not be inconvenient of application to the steamers which frequently touch at the free ports.

But as it is now interpreted and put into practice at Colon and Panama, it is found to be a serious inconvenience, and it is the more so since five official transactions, instead of one, are there required before the vessel can weigh anchor. For, in addition to the usual clearance by certificate of the *administrador*, or chief officer of the port, the captain must obtain a certificate from the prefect of the department, another from the *juzgado* of the department, one from the headquarters of the *resguardo*, and still another from the subordinate officer of *hacienda*; thus making five distinct transactions instead of one.

This multiplicity of certificates necessarily involves great and extensive delays to steamers engaged in the Isthmian transit trade. Thus, for instance, American steamers can never have more than a few hours in which to definitely fix an hour for departure; they must go out to sea at any hour of the day or night as soon as they get the last package on board from the Pacific side. Hence all this time and labor of procuring four collateral certificates from petty local officials, and of giving in an account of their outgoing cargo, &c., is, besides being quite unnecessary, seriously detrimental to the interests of the free commerce transit of the Isthmus.

My Government is of the opinion that, upon general principles, the position of the free ports of Panama and Colon, as mere stations on one of the world's most important highways, should demand simpler and less rigid rules against vessels of mere transit passage than may be required to protect the fiscal interests at ports of entry. It is furthermore of opinion that the mutual concessions and guarantees under which the free transit was established entitle all who honestly and peaceably use it to exceptional facilities, which may not be necessary or proper at other ports.

It is not believed that the liberal and enlightened Government of your excellency contemplates the adoption of a contrary policy, and therefore that it is only necessary to point out the inconveniences and hardships of the new rule referred to in order to insure its revocation.

It is the wish of my Government that the transit traffic of the Isthmus should be unhampered by petty and vexatious restrictions, and that the indispensable formalities for the entrance and clearance of steamers at Colon and Panama be reduced to the simplest and most expeditious form. And in this, it is pleasing to note that the Government of your excellency has heretofore concurred; for in his note addressed to this legation, under date of October 23, 1879, the honorable Dr. Rico, then secretary for foreign affairs, promised to recommend such a modification of law 40 as might be required by the exceptional position of the free ports of Colon and Panama. It appears, however, that owing, doubtless, to some oversight, no special provision has ever been made therefor, and hence my Government now renews its friendly suggestion that while the law 40, as applied at other ports, is not complained of, the condition of the free ports named puts the matter there on a different footing. I am accordingly instructed to ask that the rule at Colon and Panama be modified and so simplified as to involve but one official transaction, before the consul and the chief authority of the port, as a condition to the clearance of a steamer.

I improve, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 2 in No. 87.—Translation.]

Señor Perez to Mr. Scruggs.

UNITED STATES OF COLOMBIA, OFFICE OF FOREIGN AFFAIRS,
Bogota, May 22, 1883.

Mr. MINISTER: By means of your courteous communication of the 11th of last April, your excellency thought well to reproduce the application formerly presented with respect to the necessity of introducing several changes in the legislation upon

maritime police, in order to facilitate, by the supression of certain formalities, the sailing of North American ships that enter the ports of this country, especially in what concerns those of Panama and Colon.

The matter having been submitted to the consideration of the department of finance, its chief has communicated to me under date of the 11th of the present month that his opinions upon the subject are in entire accord with those which your excellency expresses in the note of which I have made mention, and that in consequence he has addressed the legislative body requesting the corresponding modifications.

Promising to opportunely inform your excellency what Congress may resolve with respect to this matter,

I avail, &c.,

JULIO E. PEREZ.

No. 106.

Mr. Scruggs to Mr. Frelinghuysen.

No. 91.] UNITED STATES LEGATION,
Bogota, June 19, 1883. (Received July 14.)

SIR: In the eighth article of the Salgar-Wyse contract for opening an interoceanic ship-canal across the Isthmus of Panama, as approved by the Colombian Congress May 28, 1878, there is, as you are aware, a clause which provides that "the expenses of maintaining such a public force as may be deemed necessary to the security of the interoceanic transit, shall be borne by the canal company."

This somewhat ambiguous clause has quite recently given rise to a spirited controversy between the Colombian Government and the company's agent here. The Government demands that the company shall pay the entire expense of maintaining such a force as may be necessary to preserve order on the Isthmus while the work of excavation is going on; and it estimates this "necessary force" at 3,000 men, and the expense of equipping and maintaining them at nearly 3,000,000 *pesos* annually; the company hold that the provision referred to contemplates the protection of the water transit after it shall have been opened, and not the preservation of public order on the Isthmus, nor even along the line of the projected works, whilst the canal is yet unopened, but that Colombia is bound to maintain order there at her own expense.

The result of this somewhat acrimonious controversy has been an agreement whereby the company is to pay $50,000 (*pesos de ley*) annually to the Colombian Government for the maintenance of a force of 300 men along the line of the works, said force to be under the command and direction of Colombian officials; but is not, under any circumstances, to be detailed or transferred to other duty.

This arrangement, however, aside from its wanting the approval of the directors of the company, is probably unsatisfactory to the Colombian Government. At any rate, it has sent Dr. Colúnje (a former president of the State of Panama, and afterwards Colombian minister for foreign affairs) as special commissioner to Paris to try to negotiate some satisfactory and permanent arrangement with the company touching the purport of the clause referred to.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 107.

Mr. Davis to Mr. Scruggs.

[Extract.]

No. 72.] DEPARTMENT OF STATE,
Washington, June 30, 1883.

SIR: I have received your No. 87, of the 30th ultimo, touching the entrance and clearance of American vessels at Panama and Colon, and I desire to express the Department's pleasure at the prompt acquiescence of the Colombian Government in the views set forth in your note to the minister for foreign affairs, which is approved. * * *

I am, &c.,

JNO. DAVIS,
Acting Secretary.

No. 108.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 103.] UNITED STATES LEGATION,
Bogota, August 6, 1883. (Received September 4.)

SIR: On the 26th ultimo, the Government here made an official announcement that it had concluded a negotiation, by telegraph, with the Panama Canal Company at Paris, for a loan of half a million dollars for two years, at 6 per cent. per annum, without any security or guarantee whatever. The following is, however, the only part of the telegraphic correspondence that is made public, which I translate as follows:

PARIS, *July* 25, 1883.

Mr. MINISTER OF FINANCE: I am happy to inform you that, confiding in the traditional fidelity of Colombia, our company places at your disposition, agreeably to your desire, and upon the conditions of interest and repayment specified, the sum of half a million dollars.

LESSEPS.

The Government claims, moreover, that this loan is wholly disconnected with, and independent of, the previous agreement by the company to pay $50,000 per annum for the maintenance of an armed force of 300 men along the line of the canal works, and that it is likewise independent of the proposed reclamation by Colombia against the canal company, resulting from the company's purchase of the Panama Railway.

* * * * * * *

Both the French minister and the resident agent of the canal company here disclaim any knowledge of this loan or even of the existence of any negotiations concerning it. * * *

I have, &c.,

WILLIAM L. SCRUGGS.

COREA.

No. 109.

Mr. Foote to Mr. Frelinghuysen.

[Extract.]

No. 6.] LEGATION OF THE UNITED STATES,
Séoul, May 24, 1883. (Received July 5.)

SIR: I have the honor to report that I arrived at Nagasaki from Yokohama on the evening of the 6th instant, and left that port on the morning of the 8th in the U. S. S. Monocacy, arriving at the open port of Chi-Mul-Poo on the evening of the 13th, having been detained two days by stress of weather at the island of Fukuye. Upon our arrival two Corean officials came on board, asking the name and nationality of our vessel, and the object of our coming.

On the following morning the governor of the district of Tu-Chun came to pay his respects and to offer me the hospitalities of his house. He said that his Government expected me, and that on the evening previous he had dispatched a messenger to the capital to announce my arrival. On the morning of the 15th Mr. Hon-Yew-Sik, a vice president of the foreign office, and Mr. Kim-Sa Chol, a secretary of the same board, came off to the Monocacy, bringing to me a dispatch from his excellency, Min-Yon-Mok, president of the foreign office, inviting me to come to the capital with the view of exchanging the ratifications at that place. Upon the arrival of these gentlemen, the Corean flag, which had been prepared at the suggestion of Commander Cotton, was hoisted at the fore, and saluted with twenty-one guns, the first salute ever tendered to the Corean ensign.

With these officials I had a long conference, conversing with them through the medium of my interpreters without difficulty. I found them intelligent and well versed in matters pertaining to other countries. They said that a decided change had taken place within a few months in the disposition of their own people, and they hoped for happy results from these new and friendly relations with the United States. They seemed to understand and appreciate our policy in the East. Through them I accepted the invitation of the minister of foreign relations to proceed at once to the capital.

Sedan chairs and small Corean ponies with a guard were furnished us, and on the morning of the 17th, accompanied by Mr. Scudder, my secretary, my interpreters, Captain Cotton, and eight officers of the Monocacy, I left Chi-Mul-Poo, the port, for the capital. The road traverses ranges of hills with intervening valleys, and although a public highway, is little more than a bridle path. We passed many hamlets and villages. The wall of the houses are constructed of stones and mud, with thatched roofs. * * * The women fled at our approach, but the men and children remained to gaze at us, manifesting much curiosity but no animosity. They were clothed in robes of white cotton cloth, differing in shape from either the Chinese or Japanese modes, and wore upon their heads conical shaped hats made of horse-hair.

They seem to be of marked Mongolian characteristics, but unless I am deceived by their methods of dress, they are a more stalwart race than

the Chinese. I observed that the valleys were passably well tilled, and noticed fields of wheat, rice and millet. I saw a few groves of stunted fir or pine trees growing upon the hill sides, and a few willows along the water-courses.

Of the domestic animals the horses are exceedingly small, but the oxen and cows are large and well formed, and are used as beasts of burden.

Including frequent stoppages we were ten hours in reaching the capital, crossing the Yung-Wha-Chin River about four miles from the city, where we were met by the governor of the district, and one of the officials of the foreign office. From thence to the city, the wayside was literally lined with people. Thousands were congregated upon the hillsides to watch our approach. I learned that they understood the purpose of our visit, and were somewhat divided in their opinions as to its good results. They treated us, however, with the utmost civility, perhaps because we were accompanied by officials and surrounded by guards. Long before we reached the gates of the city proper, we were passing through narrow, filthy streets, and after entering the city the same conditions seemed to prevail. The most imposing structures I saw were the gateways. There are four, called the north, south, east and west gates, from whence two broad streets cross each other at right angles. The houses are of one story, with mud walls and thatched roofs. Little attention seems to be paid to drainage. * * * The shops are small and insignificant, and while there are some things which show skill in handicraft, the majority of the wares are rude and coarse in texture.

We were escorted to two houses which had been prepared for us, the one where I remained being the house of Mr. Möllendorff, a German gentleman who holds the position of assistant secretary of foreign affairs, and who is organizing that office as well as the customs service. We were made comfortable in these houses of the better class, and every attention was shown to us.

During the evening his excellency Min-Yon-Mok, the secretary of foreign affairs, with other officials, called upon me and expressed gratification that the Government of the United States had sent its representative to exchange the ratifications of the treaty. These gentlemen were polite and intelligent, deprecating their own condition, and seemingly well versed as to the condition of other countries. Upon the following day the minister of foreign affairs called again, and I then arranged with him that a conference with a view to the exchange of the ratifications should take place the next day at 2 o'clock p. m.

At the appointed hour, with my secretary and interpreters, and accompanied by Captain Cotton and officers of the Monocacy in full dress, I went to the foreign offices, where I met his excellency, Min-Yong-Mok, minister of foreign affairs, and the presidents, as they are designated, of the four departments, political, postal, industrial, and revenue, with their secretaries.

Mr. Min informed me that he had been appointed commissioner plenipotentiary to exchange the ratifications. After an exhibition of our respective powers, I called attention to the modification made to Article VI of the treaty by the resolution of the Senate. The commissioner assenting to this, I prepared an addendum, which being duly signed in quadruplicate, the exchange of ratifications was formally made.

I have, &c.,

LUCIUS H. FOOTE.

No. 110.

Mr. Foote to Mr. Frelinghuysen.

No. 7.] LEGATION OF THE UNITED STATES,
Séoul, May 25, 1883. (Received July 16.)

SIR: After the exchange of ratifications, I called upon the minister of foreign relations and asked him at what time His Majesty would be pleased to receive me. He replied that he would learn the pleasure of His Majesty and inform me. I then placed in his hands a copy of the letter of His Excellency the President of the United States to the King, as also a copy of the remarks which I proposed to make upon the occasion of my presentation. On the following morning I was notified that His Majesty would grant me an audience at 12 m. At the appointed hour I was conducted to the palace and formally presented, when I placed in the hands of the King the letter of His Excellency the President, my letter of credence, and delivered the customary address, a copy of which I herewith inclose.

His Majesty replied in fitting terms, and I transmit a translation of the same.

The presence of the King was pleasing, and his manner most gracious, and I am informed that he manifests special interest in the treaty made with the United States, and that he has awaited its ratification with much anxiety.

I have, &c.,

LUCIUS H. FOOTE.

[Inclosure 1 in No. 7.]

Address of Mr. Foote to the King of Corea.

Having been deputed by His Excellency the President of the United States to proceed on a mission to Chosun, I have arrived at the capital of your Kingdom, bearing with me the treaty lately concluded between Your Majesty's Government and the Government of the United States. This treaty has been solemnly ratified, and the exchange of ratifications has taken place. I have also been intrusted with a letter from His Excellency the President of the United States, which I am delegated to deliver into the hands of Your Majesty. It is desirous that all intercourse between Your Majesty's Government and the Government of the United States shall be of the most frank and friendly character, and to that end, reposing confidence in me, by and with the advice of the Senate, His Excellency the President has appointed me as the representative of his Government to reside near to the person of Your Majesty. I am instructed to assure Your Majesty that in negotiating this treaty the Government of the United States has been actuated only by the highest motives, confident that the comfort and happiness of your people will be enhanced thereby.

In this progressive age there is a moral power more potent than standing armies, and the weakness of a nation is sometimes its strength. By thus departing from your past traditions you indicate your belief that national prosperity and perpetuity are not secured by seclusion. Radical as the change is, it can only result in material benefit to the ancient Kingdom of Chosun. Time has proven that the highest civilization is only attained by a free intercourse between friendly nations. It is thus that knowledge is disseminated and the productions and inventions of different countries become universal. Believing, as he does, that equitable treaty regulations tend to insure national integrity and to augment the well-being of mankind. His Excellency the President of the United States bids me welcome Your Majesty's Government among the brotherhood of nations.

It only remains for me to place in Your Majesty's hands the letter of His Excellency and my letter of credence.

[Inclosure 2 in No. 7.—Translation.]

Reply of the King to Mr. Foote.

Mr. MINISTER: I am pleased to receive the gracious letter from His Excellency the President of the United States. I trust that he is in good health. I am glad that he has sent you as the representative of his Government, so far across the sea, to reside at my court. I rejoice that the friendship of the two countries is now firmly cemented, and I am certain that the friendly relations will always continue.

No. 111.

Mr. Foote to Mr. Frelinghuysen.

[Extract.]

No. 10.] LEGATION OF THE UNITED STATES,
Séoul, June 29, 1883. (Received August 10.)

SIR: On the 2d of the present month I left the U. S. S. Monocacy, with the intention of taking up a residence in Séoul. Although frequently assured that it would be impolitic, if not impracticable, to reside with my wife at the capital, I determined to disregard personal considerations, deeming this the proper course to establish intimate relations with Government officials, and the one most likely to inspire confidence in the people.

During a previous visit I had endeavored to find some spot which might be rendered habitable, and fixed upon the house or houses which I now occupy. The place to western eyes would hardly be considered very comfortable, and although of the better class is sadly out of repair. It is situated upon ground slightly elevated. * * * The buildings are of wood, resting upon stone foundations, underneath which are flues for heating, in the Corean fashion; the roof is made of tiles and the walls and windows of paper. The only terms upon which I could secure this or any other place was by purchase.

My family consists of Mrs. Foote, Mr. Charles S. Scudder, private secretary, Mr. P. L. Jouy, an employé of the Smithsonian Institution, Mr. Saito and Mr. In-Chi-Sa, interpreters.

Mr. Saito is a native of Japan, who will return to his home after the 1st of August. Mr. In-Chi-Sa is a young Corean who is studying English under my instruction. He will, with the consent of his Government, be permanently attached to this legation as interpreter.

The extremes of heat and cold are evidently very great here, and the only fuel to be obtained is the boughs of pine trees. In the way of food, beef, rice, eggs, chickens, and a few inferior fruits and vegetables can be procured; all else must be brought from abroad.

* * * * * * *

I have, &c.,

LUCIUS H. FOOTE.

No. 112.

Mr. Foote to Mr. Frelinghuysen.

No. 14.] LEGATION OF THE UNITED STATES,
Séoul, July 13, 1883. (Received August 29.)

SIR: The question of sending an embassy to the United States has been under consideration since my arrival here. In an audience with the King on the 5th instant, I took occasion to say that my Government

would be pleased to receive an envoy from His Majesty. On the following day, in state council, it was determined to send two plenipotentiaries with full powers on a special mission to the United States. The persons designated for this purpose are Mr. Min-Yong-Ik, a nephew of the King and brother-in-law of the heir apparent, and Mr. Hong-Yeng-Sik, a son of the prime minister. They are young men of intelligence, and somewhat versed in the ways of the world, having been in China and Japan. Being persons of the highest rank, their selection by His Majesty for this mission is undoubtedly intended as a special consideration for our Government.

I have reason to think that they will be instructed to confer with His Excellency the President concerning the relations existing between Corea and the other Oriental powers. In order to do this freely they hope to be furnished with an American interpreter who speaks the Chinese language. In their suite they have two Corean interpreters, the one speaking Chinese, the other Japanese. They desire particularly to learn something of our customs and postal service, our public-school system, and to examine our fortifications, arsenals, &c.

As other Oriental countries have done, Corea will undoubtedly require a large corps of foreign assistants. Our part in this work will depend very much upon the impressions and reports of these envoys. At present they have the highest opinions of our country and its institutions.

The United States steamer Monocacy being about to proceed to Nagasaki, Japan, for coal and provisions, upon consultation with Commander Cotton I have invited these envoys, with their suite, seven in all, to take passage by her, at the same time framing a telegram to Rear-Admiral Crosby, asking that the Monocacy be ordered to proceed with the embassy to Yokohama; otherwise they might be under the necessity of asking the same courtesy from a Japanese man-of-war, which would hardly be fitting. I have also written to Mr. Bingham, asking him to receive the envoys, and to telegraph the fact of their coming to you.

They propose to remain from four to six weeks in the United States, and then to return directly to their own country.

I have, &c.,

LUCIUS H. FOOTE.

No. 113.

Mr. Foote to Mr. Frelinghuysen.

No. 24.] LEGATION OF THE UNITED STATES,
Séoul, August 21, 1883. (Received October 1.)

SIR: I have the honor to inclose herewith a report upon Corea. The data for obtaining accurate information are extremely meager, and this is rather the hasty result of personal observations, together with such facts as I have been able to glean from private sources.

I am, &c.,

LUCIUS H. FOOTE.

[Inclosure in No. 24.—Extract.]

Report on Corea, by Lucius H. Foote, United States minister, August 21, 1883.

It is very difficult to give accurate statistics in regard to the history of Corea. According to tradition the Kingdom had a mythical foundation more than four thousand years ago, when some supernatural being was found in a sacred place and made

King. For many centuries subsequent to this nothing is known in regard to the country. It is stated, probably from Chinese sources, that in the year 1136 B. C. Chosun was conquered by China. After this there seems to have been a succession of different dynasties, until about 150 years B. C., when, by internal wars, the country was divided into three independent states known as the "Three Han." In the year 935 A. D., an usurper named Wan Kan united the three states under one sovereignty and called the country "Kolio." Thirty-two successive sovereigns continued to reign under this dynasty until, in the year 1391 A. D., an officer named Li Sang Kai usurped the throne and again called the country Chosun.

His Majesty King Li Fui, the reigning sovereign, is the twenty-eighth successor of the present line, and the year 1883 is the four hundred and ninety-second year of this dynasty.

At different times the country has been overrun by China and Japan, and has paid tribute to each. In 1636 a Chinese army invaded Corea, and, entering the capital, made peace by exacting the following yearly tribute: 100 ounces of gold; 1,000 kilograms of silver; 10,000 bags of rice, 200 kilograms each; 2,000 rolls of silk; 300 rolls of mosi; 10,000 rolls of linen; 400 rolls of cotton; 100 rolls of better cotton; 1,000 rolls of paper; 1,000 rolls of smaller paper; 2,000 knives; 1,000 ox horns; 40 colored mats; 200 pounds dye wood; 1 skepel of pepper; 100 tiger-skins; 100 deer-skins; 400 seal-skins, and 200 blue rat-skins. Since this time the tribute has been greatly modified, but something is still paid. Each year an embassy goes to Peking with certain gifts and brings back the Chinese calendar. To receive this calendar is an evidence of dependence, and if it is not used it is regarded as an act of treason. It is necessary to report to the Chinese Emperor the accession of a new King to the throne, and to obtain his sanction to the same. Envoys going from Corea to China are treated as Chinese subjects, and all official documents from the Corean King to the Emperor of China bear the subscription of "subject." For two hundred years, however, China has carefully avoided complications with Corea, and has never materially interfered with her internal affairs. On more than one occasion she has disavowed responsibility for the overt acts of the Corean Government.

Since 1636 Corea has enjoyed a profound peace, and it has been her policy not to excite hostilities with her neighbors. To that end she has prohibited the working of gold and silver mines, lest the discovery of these precious metals should attract the lust of other nations. Unfortunately her system of seclusion has impoverished her people, and left the country stagnant.

The population is estimated at 11,000,000, and the number of houses at 1,700,000.

The Government is an absolute monarchy, all power resting in the sovereign. He has three prime ministers or advisers, who hold their offices for life. There are also six heads of departments, and these, with three ministers, constitute the council of state. They are required to report the result of their work each day to the King in person. Of the departments, "I-cho" has cognizance of the appointment, promotion, and dismissal of subordinate officials; "Ho-cho" supervises the financial affairs of the Kingdom, the levying of taxes, and the coining of money; "Pei-cho" looks after the government of schools, the examination of students, and frames the code of ceremonies, &c.; "Piyong-Cho" controls the organization of the army, directs the manufacture of arms, and has jurisdiction over postal affairs; "Pin-Cho" attends to the organization of courts and the administration of justice. In addition to these is the department of public works and foreign affairs.

Important officials are invariably appointed from the higher classes, the common people taking little part in public affairs. The nobility seem to have a family distinction, but their rank depends upon the grade of the highest official position which they have occupied, and attaches to them for life. For this reason officials are frequently changed that rank may be conferred. The result of this system is that the people are divided into parties, and a bitter partisan spirit is engendered, each party seeking to secure the offices, with their titles and emoluments. Certain special privileges attach to officials, such as exemption from arrest. They can only be summoned by a writ from the department of justice. The Chinese method of examination for official promotion prevails. Examination of applicants takes place at stated periods, when diplomas, of which there are three classes, are conferred upon the successful candidates. The holders of these diplomas are eligible to corresponding official positions.

There are numerous private schools, but no general school system. Nearly all the common people can read and write the Corean language. In this language there are many simple books, but the learning of the country is the learning of China, and the better classes are well versed in Chinese literature.

The titles to lands are derived from the Government, and are carefully registered in local offices. The tenure depends upon the payment of taxes, which are levied in kind, and are onerous. * * * The only coin of the country is the copper *cash*, five hundred and twenty-five of which are equivalent to one Mexican dollar.

The roadways are narrow bridle paths, the only wheeled vehicles being two-wheeled carts, which, in some places, are made to transport merchandise. Bulls and Corean

ponies are used as pack animals. Persons of means and distinction travel on horseback or in sedan chairs. Inns are said to be scarce and incommodious, but the people are said to be kind and hospitable.

Post-offices are established in the principal towns, and at some places on the public highways the Government maintains stations with post-horses, for public use.

According to official accounts, there are 1,300,000 enrolled militia in the country, but they are unaccustomed to drill and are without arms.

The territory of Corea is bounded on the north by the Shan-Yan-Alin Mountains and two large rivers which take their rise in these mountains; the one known as the Amno-kan, flowing westward, empties itself into the Yellow Sea and forms the natural boundary between Corea and China; the other, known as the To-Man-Kian, flowing eastward, empties itself into the Japan Sea, and divides Corea from Manchuria and the Russian territory. The Kingdom is divided into eight departments, viz, Hamkeung-to, the northeastern department, at the southern extremity of which is the open port of Wan-San; Peung-An-to; Whang-Hai-to; Kang-Wun-to; Keung-Que-to, in which department is situated Séoul, the capital, and the open port of In-Chun; Choong-Chung-to; Chun-Ra-to; and Keung-Sang-to, which contains the open port of Poosan.

Corea is a land of mountains. The Shan-Yan-Alin range extends from north to south along the eastern coast. From this smaller ranges trend across the country. Everywhere mountain peaks are to be seen. In the central and western portion are several plains or plateaus called Naipo. These plains are extremely fertile, and for this reason Naipo is called the rice warehouse of Séoul. The country is well watered and fairly wooded, and the Government exercises much care in maintaining the forests. Many wild animals abound in the mountains, such as tigers, leopards, bears, wild boars, &c.; and pheasants, water fowl, and other game birds are abundant.

Of the domestic animals, the cattle compare favorably with those of our country. They are well bred and are used as beasts of burden. The horses are extremely small and inferior, swine are poor and ill-favored, and goats and sheep are rarely if ever seen.

During the season I have found in the market of Séoul apricots, nectarines, peaches, plums, apples, pears, and several kinds of berries. These fruits, however, perhaps for the want of cultivation and selection, are far inferior to those grown in the United States. The variety of vegetables is limited and the quality poor. Even the potato is unknown.

In spite of the severe restrictions, no inconsiderable amount of gold dust is extracted each year, and mines of gold, silver, copper, lead and iron are said to exist in all parts of the country.

In the northern districts wheat, barley, rye, cattle, ginseng—which is a Government monopoly—medicinal herbs, dried fish, honey, tiger and leopard skins, furs and hides are produced. The products of the central and southern districts are rice, silk, cotton, hemp, tobacco, wheat, corn, barley, beans, millet, dyewoods, fruits, vegetables, cattle and hides. Among the manufactures are silk, cotton and linen cloths, iron and stone ware, pottery, hats, shoes, paper, mats, fans, screens, combs, pipes, brushes, tiles for roofing, certain kinds of furniture, mechanical and agricultural implements, &c. Some articles exhibit a degree of excellence, but the majority are rude and primitive. Cloths are woven in hand-looms, and pottery is made by use of the wheel. Specimens of old bronze and porcelain are occasionally found, showing that in the past a higher degree of skill existed.

The majority of the houses are simple, with mud walls and floors and thatched roofs. The better class of houses have stone foundations, intersected with flues for heating purposes. Upon this foundation is a wooden building with tile roofs, the floors, walls and windows of which are lined with paper.

The clothing of the common people is made invariably of cotton or linen cloth, and in winter is wadded. They wear upon their feet straw or twine sandals with soles of rawhide, and upon their heads conical-shaped hats made of horse-hair. Their breeches are made very full and are divided below the knees and fastened at the ankles. Over this a long loose robe is worn, with flowing sleeves.

The people seem to be a hardy, vigorous, well-formed race, of medium stature; and while the yellow skin, almond-shaped eyes, and black hair of the Mongolian race prevail, men with light hair and beard and blue eyes are sometimes seen. The beard is suffered to grow, and the hair is never shorn, but is tied in a knot on the top of the head.

The wages paid to the laboring classes approximate fifteen cents per day, and to the artisan perhaps twenty-five cents per day. Slavery is said to exist in a modified form, and is even sometimes voluntary, as thus the poor man escapes extortion and oppression. The artisans and many classes of laborers, however, belong to powerful organizations or guilds, by which means they maintain a degree of independence and enforce their rights.

Crime is severely punished, and questions involving civil rights are decided by the courts.

The Corean nobleman, if his means will permit, maintains a degree of state, surrounded by his retainers, and goes forth to make his calls of ceremony in his sedan chair, dressed in silken robes, accompanied by a retinue of servants.

The women, married and unmarried, are kept in great seclusion.

Marriage is a matter of negotiation between the parents and friends of the parties, and is often concluded in childhood.

Unmarried persons of the male sex can be distinguished by the method of wearing their hair hanging down in cues. The women * * * adorn their heads with bands of false hair. Their dress consists of the broad breeches divided below the knees and fastened at the ankles; over this a short skirt and jacket.

Persons in mourning eat no meat and pay no visits. They are dressed in robes of coarse gray cotton cloth and wear immense straw hats, and when they go abroad hide the lower half of the face with a mask.

Smoking is a universal habit to which both sexes are addicted.

In conclusion, I would say that there are many industries here which might, by means of the cheap labor, be successfully promoted. There are mines of gold, silver, copper, lead, iron and coal to be developed. In the north there are said to be large forests of timber, for which there should be a market near at hand. Agriculture and cattle and sheep raising could be stimulated so as to produce a surplus for exportation; but there are difficulties to contend with. The extremes of heat and cold are great; there are no roads or means of transportation, and the policy of exclusion still has strong adherents. Corea will, however, soon require mining machinery, agricultural implements, hardware, glassware, cotton and woolen goods, coal oil, and many products and other manufactures which we might supply.

No. 114.

Mr. Frelinghuysen to Mr. Foote.

[Extract.]

No. 19.] DEPARTMENT OF STATE,
Washington, August 30, 1883.

SIR: I have the pleasure to acknowledge the receipt of your No. 14, of the 13th ultimo, announcing the coming of a Corean embassy to the United States.

I confidently assure you that the President is much gratified at this friendly action of His Majesty the King of Corea, whose envoys, Mr. Min-Yong-Ik and Mr. Hong-Yeng-Sik, will be cordially welcomed by himself and the people of the United States. Every consideration will be given to their wishes, and ample opportunity afforded them to insure the successful accomplishment of their mission to this country, both in the interest of that of Corea and those amicable relations which we, as a nation, desire to cultivate with the Kingdom of Tah-Chosun.

I will thank you to properly communicate these views to the minister for foreign affairs.

* * * * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 115.

The King of Tah-Chosun to President Arthur.

The ratifications of the treaty concluded between our countries having now been exchanged and friendly relations established, I now send to the United States of America, as minister plenipotentiary and envoy

extraordinary, Min-Yong-Ik, and as vice-minister Hong-Yeng-Sik, in order to convey to Your Excellency the assurance of my gratification.

Being in my confidence and instructed so as fully to express my ideas they will no doubt satisfactorily perform their duties, and I hope that full faith and credence will be given to them in order that the friendship of our countries may increase and that perfect harmony may be attained. I have no doubt that Your Excellency will fully share my views.

Done under my own hand and seal, in the four hundred and ninety-second year of my house, sixth moon, eleventh day (14th July, 1883).

[Signature and seal of His Majesty the King of Tah-Chosun.]

By order.

[Seal of Min-Yon-Mok, president of the foreign office.]

A true translation.

PERCIVAL LOWELL,
Foreign Secretary of Special Mission.

The representatives of Tah Chosun to President Arthur.

We, Min-Yong-Ik and Hong-Yeng-Sik, are present in person to address Your Excellency the President of the United States of America.

Together we have come to Your Excellency, as the representatives of the Government of Tah-Chosun. We desire to convey to Your Excellency, from our hearts, our sincere wishes for the health and welfare of Your Excellency and of the people of the United States.

The people of our countries having entered into friendly intercourse with each other, and having, both on our side and yours, bound themselves mutually to continue these happy relations, we pray that the people of both our lands may live forever, without change, in peace and happiness.

We beg to offer to Your Excellency two official papers from our Government; the first is a reply to Your Excellency from His Majesty the King of Tah-Chosun; the second is our letter of credentials, which we herewith ask leave to present.

A true translation.

PERCIVAL LOWELL,
Foreign Secretary of Special Mission.

President Arthur's address to the representatives of Tah-Chosun.

Mr. MINISTER and Mr. VICE-MINISTER: It gives me much pleasure to receive you as the representatives of the King and Government of Tah-Chosun. I bid you a cordial welcome.

We are not ignorant of your beautiful peninsular country, with its surrounding islands, or of their productions, or of the industries of your people, who in population number more than twice that of the United States when they became an independent nation.

The ocean which intervenes between our respective domains, has, by means of the introduction and perfection of steam navigation, become a highway of convenient and safe intercourse. You are our neighbors.

The United States from their geographical position, are, of all others, the nation with which the orientals should cultivate friendship and a

commerce which will prove to them and to us alike beneficial and profitable, and which must constantly increase.

This Republic, while conscious of its power, of its wealth, and of its resources, seeks, as our history shows, no dominion or control over other nationalities, and no acquisition of their territory, but does seek to give and receive the benefits of friendly relations and of a reciprocal and honest commerce.

We know you can be of benefit to us, and we think that when you become familiar with the improvement we have made in agricultural implements and processes, and in the mechanical arts generally, you will be satisfied that we can give you a fair return for the benefit you may confer on us; and it may be that in our system of education and in our laws you will discover some things that you will be glad to adopt.

It was fit and becoming that you should have made with us your first treaty of intercourse, amity and commerce.

You will be so good as to present to your King my respectful regards, and to express to him my gratification and that of our people that he should have seen proper to honor us by the visit of this embassy.

Gentlemen, I trust that while you are in our country you will have health and enjoyment.

It will be the purpose of our Government and people so to receive you that you shall carry home with you pleasant recollections of the American Republic.

The King of Tah-Chosun to President Arthur.

The envoy extraordinary and minister plenipotentiary of the United States of America, Lucius H. Foote, brought me Your Excellency's letter, which I have read with care, and with the contents of which I have been delighted.

The treaty concluded last year has now been ratified and put into execution, and the natural result of this is that my country congratulates herself.

Your Excellency's minister, Lucius H. Foote, is on excellent terms with us; is just and upright; and in the transaction of his business at the capital is always in accord with the views of my Government. He will fully realize in action the intention of the United States Government with regard to his appointment. The relations between our countries, will, I hope and trust, be every day closer, an end which will be most gratifying to all.

I pray that under Your Excellency's beneficent rule the people of the United States of America will for ages to come experience the most blessed results.

Done under my own hand and seal in the four hundred and ninety-second year of my house, sixth moon, eleventh day (14th July, 1883).

[Signature and seal of His Majesty the King of Tah-Chosun.]

By order,

[Seal of Min-Yon-Mok, president of the foreign office.]

A true translation.

PERCIVAL LOWELL,
Foreign Secretary of Special Mission.

DENMARK.

No. 116.

Mr. Ryder to Mr. Frelinghuysen.

No. 7.] LEGATION OF THE UNITED STATES,
Copenhagen, December 23, 1882. (Received January 22, 1883.)

SIR: I have the honor to report that on the 14th ultimo I received information that it was intended to send, on the following day at 11 a. m., a certain criminal, Mads Jensen, alias Jörgensen, to the United States of America. There being no time to apply to the foreign office I wrote a letter to the chief of police, and the party in question was prevented from leaving Copenhagen.

I subsequently called on the minister for foreign affairs, to whom the matter had been referred, and requested that Jensen, alias Jörgensen, be returned by the police to the parties at Oldrup, Jutland, the place from whence he had been "forwarded," which was complied with. At my interview with the foreign minister I was asked for an interpretation of section 5 of an act of Congress of March 3, 1875. I replied that it was not in my province to construe acts of Congress or give an interpretation of such acts, that being a question reserved for the courts of the United States in the event of any question arising under it; that it was not desired that Danish convicts who had served out their terms should immigrate to the United States, and be assisted to leave this country, but it would be considered as a signal proof of regard from the Danish Government if such of its subjects were prevented from coming to America.

In disposing of this case in the way aforesaid, I am of opinion that much unnecessary correspondence has been avoided. I hope that my action will meet the approval of the Department.

I am, &c.,

HENRY B. RYDER,
United States Chargé ad interim.

No. 117.

Mr. Davis to Mr. Ryder.

[Extract.]

No. 7.] DEPARTMENT OF STATE,
Washington, January 23, 1883.

SIR: Your No. 7 of the 23d ultimo, in relation to the assisted immigration of a certain criminal from Oldrup, Jutland, to the United States, and the steps taken by you to prevent it, has been received.

I observe that, in your interview with the minister of foreign affairs in regard to Jensen's case, you were asked for an interpretation of section 5 of the act of Congress of March 3, 1875. Your answer that it was not in your province to construe acts of Congress—that being a question reserved for the courts—was discreet.

For your information, I should remark that the provisions of that act, as well as of the recent act of August 3, 1882, * * * are executable by the Department of the Treasury, and that in consequence they are not made the occasion of any executory instructions of this Department to its officers abroad. The statute is applied in the ports of this country, and on general principles we could not expect a foreign Government to take measures for aiding within its own territory a federal enactment which only becomes applicable when one of the obnoxious classes reaches our shores.

On principles of comity, however, assisted immigration of undesirable persons is more than a domestic evil in the country whither they resort. It may amount to a positive act of discourtesy on the part of a foreign Government adopting such an expedient to get rid of burdensome subjects. If at any time our representatives abroad learn that the general or local authorities of a foreign country assist (by providing means or passage) the emigration of convicts and dependent paupers to the United States, it is their duty to represent the facts to the Government to which they are accredited, and to ask that the moral wrong thus attempted may be prevented as an act of due courtesy and regard for the United States as a friendly nation.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 118.

Mr. Ryder to Mr. Frelinghuysen.

[Extract.]

No. 15.] LEGATION OF THE UNITED STATES,
Copenhagen, April 28, 1883. (Received May 14.)

SIR: I have the honor to refer you to my dispatch No. 206, addressed to the Hon. John Davis, Assistant Secretary of State, under date of the 5th instant, and to report now that the Danish Government, finding the regulations put in force by the German Government on the importation of live swine into the German Empire of such a character as to materially interfere with the trade, have proposed through their minister at Berlin to the German Government to prohibit the importation of live swine from the United States of America into the Kingdom of Denmark, providing the German Government would agree to remove the restrictions lately placed by said Government on the importation of live swine from Denmark into Germany. I was at first informed on good authority that the proposition from this Government to Germany was a general one with reference to the importation of pork produce from the United States, but on calling to-day on the foreign minister I found this to be a mistake. His excellency remarked that said proposition only had reference to *live* swine, and that it was very uncertain whether it would lead to any results. As no live swine are imported from the United States of America to this country, a restriction simply confined to a prohibition of this article would not have any injurious effects on the commercial relations of the United States and Denmark. * * *

I have written Mr. Sargent, our minister at Berlin, about this matter.

I am, &c.,

HENRY B. RYDER,
Chargé ad interim.

No. 119.

Mr. Hoffman to Mr. Frelinghuysen.

No. 12.] LEGATION OF THE UNITED STATES,
Copenhagen, July 27, 1883. (Received August 11.)

SIR: I have the honor to inform you that I learned lately that an unpleasant question is pending between Great Britain and Denmark which may possibly affect us, and I therefore report it.

Denmark requires that every foreigner residing and doing business in the island of St. Thomas shall take the oath of allegiance to the King of Denmark. British subjects, therefore, under these circumstances, must give up their business or abjure their British nationality, thus losing, under an act of Parliament, their rights as British subjects, and among others the important right for a merchant to own British vessels.

Great Britain has remonstrated rather warmly, basing her remonstrances principally upon the ground of reciprocity, no such demand being made upon Danish subjects residing and doing business in British colonies. But Denmark does not seem to be disposed to make any concession, her object being to make every business resident dependent solely upon Danish courts and officers, and to prevent all appeal to a foreign consul.

I am not aware that the matter has ever been brought to your attention as regards American citizens, but in view of the possibility of the question arising I have thought it best to inform you of the action of the British Government.

I am, &c.,

WICKHAM HOFFMAN.

FRANCE.

No. 120.

Mr. Davis to Mr. Morton.

No. 174.] DEPARTMENT OF STATE,
Washington, October 6, 1882.

SIR: Your dispatch No. 225, of the 19th ultimo, transmitting a copy of a note received by you from the French minister of foreign affairs in relation to the conference for the protection of submarine cables, which is to meet at Paris on the 16th instant, has been received.

In view of the importance of the subject which the proposed conference is to consider, the President has decided to request you to attend the same as the representative of this Government. A full power authorizing you to act in the premises will be forwarded to you by the next mail to Paris. In view of the fact, however, that circumstances rendered it impossible to give you full preliminary instructions on the subject, it is desired that before signing any convention which may be formulated by the conference, the same may be submitted to this Department for consideration.

You will also feel yourself at liberty to ask special instructions, if you deem it necessary during the progress of the negotiations.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Mr. Vignaud was authorized to act as Mr. Morton's colleague.]

No. 121.

Mr. Morton to Mr. Frelinghuysen.

No. 250.] LEGATION OF THE UNITED STATES,
Paris, November 9, 1882. (Received November 25.)

SIR: With reference to my dispatch No. 225, dated September 19, informing the Department that the international conference for the protection of submarine cables was to meet on the 16th of October, and to your dispatch, of date October 6, stating that Mr. Vignaud and myself had been appointed delegates of the United States to the said conference, and conveying your instructions, I have the honor to transmit herewith the joint report of Mr. Vignaud and myself, as to the result of the conference and our action therein.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 250.]

Messrs. Morton and Vignaud to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,
Paris, November 9, 1882.

SIR: The international conference for the protection of submarine cables assembled on the day fixed, Octobor 16, at the foreign office in Paris.

The invitations of the French Government had been accepted by thirty-three states, and each state was represented at the first sitting, which was, however, purely formal. Mr. Cochery, minister of posts and telegraphs, was unanimously chosen to preside over our discussions, which began at our next sitting.

The conference discussed at first in a general way the broad principles laid down in the orogramme previously submitted to all the states to which France had issued an invitation, and referred its proceedings to a committee whose report and first draft were presented at the sixth sitting. This draft, drawn up by Mr. Louis Renault, one of the French delegates, well known as a professor of international law, was made the basis of a critical discussion which ended in the adoption of the draft herewith annexed.

To this draft, every article of which was adopted either unanimously or by a large majority, is prefixed a protocol, signed by all the delegates, and it is terminated by two resolutions expressing the wishes of the conference in relation to certain points.

You will notice the guarded language of the protocol. We do not make a convention; we only make a project of a convention. We do not pledge our Government; we only pledge ourselves to submit our draft to its consideration, reserving thereby the right of our Government not only to accept or reject the convention, but even its right to propose modifications.

This important question was raised in a debate at the fifth sitting, where it was stated that each Government would have no other alternative but to accept or reject the draft proposed. The English delegates and ourselves could not assent to such a view, and it was understood, with Mr. Cochery, that our British colleagues would introduce a written statement, reserving to each Government its right of proposing amendments, and that he, Mr. Cochery, would declare distinctly that this right could not be questioned. This was done at the close of the seventh sitting.

The English delegates also objected to Article VIII of the project, in relation to the courts to which all infractions to the convention are to be submitted. Their desire was to have these infractions prosecuted in the court of the nearest port, but this proposition was rejected by the whole conference, themselves excepted. We understand, however, that the English Government will not insist upon this objection.

The conference adjourned on the 2d instant, after the protocol had been signed by all of the delegates of the thirty-three states represented except the one from China, who had no instructions to do so. Mr. Cochery, in closing the conference, expressed warmly his hope and conviction that our labors would not be fruitless, and there seemed to be no difference of opinion in this respect.

We have the honor to submit herewith a printed copy of the draft-convention, as signed by us, with a translation of the same. Owing to the delay in preparing and

printing the minutes of the proceedings of the conference, we are not able yet to send a copy, but hope to do so by the next bag.

Trusting that we have complied with the letter and spirit of your instruction,

We remain, &c.,

LEVI P. MORTON,
HENRY VIGNAUD.

[Inclosure 2 in No. 250.]

International conference for the protection of submarine cables.

PROTOCOL.

The undersigned, delegates of Germany, the Argentine Republic, Austria-Hungary, Belgium, Brazil, China, Costa Rica, Denmark, the Dominican Republic, Spain, the United States of America, the United States of Colombia, France, Great Britain, Greece, Guatemala, British Indies, Italy, Japan, Mexico, Nicaragua, Norway, the Netherlands, Portugal, Roumania, Russia, Salvador, Servia, Sweden, Switzerland, Turkey and Uruguay, met at Paris, on the 16th of October, 1882, for the purpose of drawing up an international convention, having for its object the protection of submarine cables beyond territorial waters.

As the result of the deliberations recorded in the minutes of their session, they have prepared the draft of a convention and given expression to the desires annexed to the present protocol, which they pledge themselves to submit to the consideration of their respective Governments.

Done at Paris, the 2d of November, 1882.

For Germany: Messrs. DAMBACH, DONNER.

For Austria-Hungary: Colonel DE BONN.

For the Argentine Republic: Colonel MANSILLA.

For Belgium: Messrs. LEOPOLD ORBAN, MICHEL.

For Brazil: Viscount DE NIOAC.

For Colombia: Mr. TRIANA.

For China: ———.

For Costa Rica: M. SOMZÉE.

For Denmark: Messrs. Count DE KNUTH, WANDEL.

For the Dominican Republic: Baron DE ALMEDA.

For Spain: Messrs. JUAN RAVISNA Y CASTRO, LUCAS MARIANO DE TORNOS.

For the United States: Messrs. MORTON, VIGNAUD.

For France: Messrs. AD. COCHERY, J. DUMAS, CLAVERY, BERGON, L. RENAULT, FELIX DUPONT.

For Great Britain: Messrs. KENNEDY, TREVOR, PATEY.

For Greece: Messrs. Prince MAVROCORDATO, T. ARGYROPUOLO.

For Guatemala:	Mr. CRISANTO MEDINA.
For the British Indies:	Mr. BATEMAN CHAMPAIN.
For Italy:	Messrs. AVARNA DI GUALTIERI, FIDELE SALVATORI.
For Japan:	Mr. MARSHALL.
For Mexico:	Messrs. VELASCO, DIAZ COVARRUBIAS.
For Nicaragua:	Mr. BAILLE.
For Norway:	L. NIELSEN.
For The Netherlands:	Messrs. JANSEN, ASSER.
For Portugal:	Messrs. D'AZEVEDO, ROBERT EDWARD SYLVA.
For Roumania:	Messrs. PHEREKYDE, C. F. ODOBESCO.
For Russia:	Messrs. LIKHATCHOF DE ROSSI.
For Salvador:	Messrs. TORRÉS CAICEDO, RAYNAUD.
For Servia:	M. MARMOVITCH.
For Sweden:	M VISTROM.
For Switzerland:	M. KERN.
For Turkey:	Messrs. LACONIE EFFENDI, MISSAK-EFFENDI.
For Uruguay:	Colonel DIAZ.

PROJECT OF CONVENTION.

The high contracting parties, desiring to secure the maintenance of the telegraphic communication, which takes place by means of submarine cables, have resolved to conclude a convention for this purpose, and have chosen as their plenipotentiaries, namely: [See *ante.*]

ARTICLE I.

The present convention shall apply, outside of territorial waters, to all submarine cables, lawfully established, landing upon the territories or dominions of one or more of the high contracting parties.

ARTICLE II.

The breaking or deterioration of a submarine cable done purposely or through culpable negligence, which may result in a partial or total interruption or hindrance of telegraphic communication, shall be punishable, without prejudice to civil action, for damages and interests.

NOTE.—This provision is not applicable to the authors of breakages or deteriorations made legitimately in view of protecting their lives or saving their ships after having taken all necessary precautions to avoid such breaking or deteriorations.

ARTICLE III.

The high contracting parties engage to impose, as far as practicable, when they authorize the landing of a cable, proper conditions of safety, applicable to the track of the cable, as well as to its size.

ARTICLE IV.

The owners of a cable who, by laying or repairing it, cause the breaking or deterioration of another cable, shall support the costs of the repairs which this breaking or injury may render necessary, without prejudicing, if the case may be, the application of Article II of this convention.

ARTICLE V.

The ships occupied in laying or in repairing submarine cables are to observe the rules in relation to signals which are or shall be adopted by the high contracting parties to prevent collision.

When a ship occupied in repairing a cable has made those signals, the other ships, seeing or in a position to see them, must either retire, or remain at a distance of at least one nautical mile from that ship, so as not to interfere in its operations.

The engines or nets of fishermen shall be kept at the same distance.

The ship to which a telegraphic vessel shall have made the said signals must comply with the notice thus given within a delay of twenty-four hours at the utmost, during which time its movements will not be interfered with.

The operations of a telegraphic ship shall be terminated in the shortest delay possible.

ARTICLE VI.

The ships seeing, or in a position to see, the buoys indicating the place of the cables while being laid down, or in case of derangement or breaking, shall keep off from these buoys at a distance of a quarter of a nautical mile at least.

The engines or nets of fishermen must be kept at the same distance.

ARTICLE VII.

The owners of vessels or ships who might prove that they have lost an anchor, or a net, or any other fishing engine, in order to avoid doing damage to a submarine cable shall receive an indemnity from the owners of the cable. To be entitled to such indemnity it will be necessary that, as far as practicable, a statement of the accident, corroborated by the crew, be made immediately after its occurrence; and that the captain of the ship, within twenty-four hours after his arrival at the first port of return or of calling, make his declaration to the proper authorities. Such authorities shall notify the consular authorities of the nation to which the cable belongs.

ARTICLE VIII.

The competent tribunals to take cognizance of the infractions of the present convention are those of the country to which the ship belongs on board of which the infraction was committed.

It is nevertheless understood that in cases where the provisions of the preceding paragraph could not be applied, the prosecution of any infringement of the present convention shall take place in any one of the contracting states, with regard to the citizens of such state, in conformity with the general rules of penal competency resulting from the particular laws of such state or from international treaties.

ARTICLE IX.

The prosecution for offenses and contraventions against the present convention shall be instituted by or in the name of the state.

ARTICLE X.

An infringement of the convention may be ascertained by all means of evidence admitted by the legislature of the country where sits the court applied to. Further statements may be made by the officers commanding the ships of war of one of the high contracting parties, or one of their ships specially commissioned to that effect

whatever may be the nationality of the ship where the infringement is being committed.

These statements shall be made in accordance with the forms and in the language in usage in the country to which belongs the officer who makes them, and they shall have in the country where they are called for the same force they would have had they come from officials of that country.

ARTICLE XI.

The proceedings and trial in case of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures to secure the execution of the present convention, particularly in regard to the punishment by fine or imprisonment, or by both of these penalties, those who shall contravene the provisions of Articles II, V, and VI.

ARTICLE XIII.

The high contracting parties shall communicate to each other the laws actually enacted or which may be enacted in their states in regard to the object of the present convention.

ARTICLE XIV.

The states which have not taken part in the present convention shall be allowed to adhere to it upon their application. This adhesion shall be notified through diplomatic channel to the Government of the French Republic, and by it to the other signatory powers.

ARTICLE XV.

The present convention shall be brought into force from the day to be agreed upon by the high contracting parties.

It shall remain in force during five years from that day, and in the case where neither of the high contracting parties shall have given notice twelve months before the expiration of the said period of five years of its intention to terminate this convention, it will continue to remain in force for one year, and afterwards from year to year.

In the case where one of the signatory powers shall denounce the convention, such denunciation shall only affect this power.

ARTICLE XVI.

The present convention shall be ratified, and its ratification shall be exchanged at Paris with the shortest possible delay.

WISHES.

The conference expresses the wish that the powers shall, as early as possible, come to an understanding as to the signals which ships employed in laying or repairing submarine cables shall have to make in order to remove all doubts as to the nature of their operations.

The conference also expresses the wish that the different Governments shall take measures in order that the track of the submarine cables be indicated by beacons placed on the shores, and that, after an international understanding, a uniform type of beacons and of buoys be adopted for the submarine telegraphic service.

No. 122.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 266.] LEGATION OF THE UNITED STATES,
Paris, December 6, 1882. (Received December 22.)

SIR: I have the honor to send you herewith the text and translation of a convention concluded in the name of France by M. de Brazza with an African King who answers to the name of Makoko.

The convention was signed—if such expression is applicable here, for His Majesty could only make his mark—on the 10th of September and the 3d of October, 1880, but it was approved by the Chambers only two weeks ago, and promulgated on the 4th instant.

Mr. Rouvier, deputy from Marseilles, who reported in the Chamber the bill ratifying the convention, said that it assures to Makoko the protection of France over his Kingdom, and secures to France the possession of a portion of that Kingdom. The text of the instrument conveys little more, for it states distinctly that Makoko cedes his territory to France, together with all his hereditary rights. The treaty, however, is drawn up in such language that it is not easy to understand exactly its meaning. * * *

Mr. Rouvier also called attention to the fact that the treaty was not exacted by any military demonstration; that the natives solicited it voluntarily, and simply in the hope that the presence of France would bring some advantage to them. He said:

No complications are likely to arise from this action of ours, nor can any be foreseen coming from European powers, because we are the first occupants, and also because our colonial organization, which is eminently liberal, assures to the commerce of all nations the same advantages that are assured to ours wherever our flag floats. There is another reason to remove the contingency of any difficulty of this kind; it is that neither your committee nor the Government contemplate, at present, any military establishment on the banks of the Congo; it is simply proposed to found there scientific, hospitable, and commercial stations, with no other military forces but what are strictly necessary for the protection of the establishments which shall be successively created. It is to the peaceful character of his mission that M. de Brazza owes the friendly reception he received from the natives. We desire to maintain this character for our occupation.

It is necessary for the extension of our influence in those distant regions that France should appear to the populations of Central Africa, not as a conquering power, but as a commercial nation, aiming more to increase its commercial facilities and its civilizing influence than to extend its domination.

The geographical data conveyed by the convention are so meager, and the French orthography of the local names is often so different from the ones used in English, that the exact location of the Kingdom of Makoko remains somewhat uncertain. It seems, however, that it is situated near the Stanley Pool, on the right bank of the Congo River, and that it extends over all the country inhabited by the native tribes called Batekes.

The territory specially transferred to France, where a station called Brazzaville is established, with a guard of three men, has been described in the Chamber as being located between the rivers Djné and Impila, just above the last cataract of the Congo; that is to say, at the precise point where that great stream is navigable and where it will be easy to command its whole course.

This territory [said Mr. Rouvier] is the key of the Congo. This magnificent stream runs for 5,000 kilometers through a country admirably fertile. Our commerce will

find there india-rubber, gums, oil, seeds, peltries, ivory, precious metals and precious woods; our manufactures will have there new outlets, which will increase, as the millions of people inhabiting this admirable river will become civilized.

This immense commercial movement of our days, the future of which can hardly be measured, will certainly profit those who have first penetrated these unknown regions recently opened to the world. France, which is nearer Africa than most of the other nations, and which is more directly interested in the future of that continent by the numerous stations she has on the western coast, would disregard her interests and duty if she permitted herself to be distanced in the move which now carries the civilized world in the direction of these regions, until yesterday shrouded in mystery.

In the Senate the question of possible embarrassment to which this annexation might lead having been raised, Senator Zavier Blanc, chairman of the committee to which the convention had been referred, replied that the committee did not stop to consider such objection. "No colonial enterprise," said he, "could be attempted and made successful if such consideration were to be noticed."

He insisted on the peaceful character of this establishment, and on the fact that it could not conflict with the rights of any one, particularly with those of the International Association (Stanley), whose seat was on the other side of the river, and whose promoter, the King of Belgium, was the chief of a friendly power.

Speaking of the Portuguese, he said the French establishments on the Congo could not give them umbrage; that their establishments were not within the range of their historical pretensions, which do not go beyond the territory placed under the effective control of Portugal. He added:

> At all events, your committee has received from the president of the council, minister of foreign affairs, most satisfactory assurances and explanations in relation to our occupation of this African territory.

It is proper to add here that the existence of this Brazza convention is flatly denied by Mr. Stanley. In a public speech which he made here about six weeks ago he said that the most influential of the Makoko chiefs, represented by de Brazza as having agreed to this treaty, declared to him (Stanley) in the most emphatic terms that he had never seen the treaty and had not even heard of it; that the only thing he had granted to the French envoy was a lease of a piece of land.

I have dwelt rather at length on this affair because it is a good illustration of the policy of colonial extension which is now evidently favored by the French Government.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 266.—Translation.]

France and Congo convention.

In the name of France, and by virtue of the rights invested in me, the 10th of September, 1880, by King Makoko, I have, on the 3d of October, 1880, taken possession of the territory extending between the river Djné and Impila. In evidence of this taking of possession I have planted the French flag at Okila, in the presence of Ntaba, Scianho-Ngaekala, Ngaeko, Juma-Nvoulo, chiefs, vassals of Makoko, and of Ngalièrne, representing officially his (Makoko's) authority in this circumstance. I have given to each of the chiefs occupying this part of territory a French standard, in order that they may raise it in their villages as a sign of my having taken possession in the name of France.

These chiefs, officially informed by Ngalièrne of the decision of Makoko, submit to his authority and accept the standard, and by their mark, made below, acknowledge their adhesion to the cession of territory made by Makoko.

Sergeant Malamine, with two sailors, remained to guard the standard, and is appointed provisionally chief of the French post of Ncouna.

By sending to Makoko this document, done in triplicate, and which bears my signature and the marks of the chiefs, his vassals, I certify to Makoko my taking possession of this portion of his territory for the establishment of a French post.

Done at Ncouna, in the states of Makoko, the third of October, 1880.

P. SAVORGNAU DE BRAZZA,
Midshipman.

Have made their mark:

Chief NGALIÈRNE, representing Makoko.
Chief SCIANHO-NGAEKALA, who wears the collar of investiture given by Makoko, and commanding at Ncouna under the sovereignty of Makoko.
Chief NTABA.
Chief NGAEKO.
Chief JUMA-NVOULO.

King Makoko, who has the sovereignty of the country situated between the sources and the mouths of the Lefini and the Ncouna, having ratified the cession of territory made by Ngampey for the establishment of a French post, and having also ceded his territory to France, with all his hereditary and supreme rights thereto, desiring as a sign of this cession to set up the French colors, I have given him a French standard, and, by the present document, done in duplicate, bearing his mark and my signature, certified to the measures which he has taken in relation to me as the representative of the French Government.

Done at Ndao, in the village of Makoko, the 10th of September, 1880.

P. SAVORGNAU DE BRAZZA,
Midshipman, Chief of the Ogôoué and Juner Congo Mission.

MAKOKO here made his mark.

No. 123.

Mr. Morton to Mr. Frelinghusen.

[Extract.]

No. 283.] LEGATION OF THE UNITED STATES,
Paris, January 12, 1883. (Received January 29.)

SIR: On the first day of the new year it was my painful duty to send you the following telegram, informing the Department of the unexpected death of Mr. Gambetta:

FRELINGHUYSEN, *Secretary, Washington:*

The death of Leon Gambetta has caused a profound sensation in France. In his death the Government and people of the United States have lost a devoted friend, whose great admiration for our country and its institutions was expressed on all occasions. His death is to the members of this legation a great loss and personal sorrow.

MORTON.

It is not my province to give an estimate of Mr. Gambetta's political career. His life has already been the subject of many valuable articles, and his character has been vindicated by so many men of distinction and in such eloquent language that it would be out of place for me to attempt anything of the kind. I may be allowed, however, to refer again to the feelings this eminent French citizen entertained for our country. He was, in the most emphatic sense of the word, an admirer of our institutions, a friend of our people, a friend of all Americans, and, I may be permitted to add, a warm personal friend. From the moment when he began to rise in eminence he sought for information touching American affairs, and kept himself in close and cordial relations with our representatives in France. He was pleased to see our leading men, and no topic of conversation was more attractive to him than the organization of our complex political machinery, the discipline

and management of parties, and the method and forms of our elections. The harmonious working of our double system of Government was to him a subject of wonder, and no term could express too strongly his approval of the authority given to our Supreme Court to pass upon the constitutionality of laws. This was a point to which he frequently reverted.

Before he became president of the Chamber he had formed the project of visiting the United States. Mr. Washburne was to meet him and accompany him on his tour. How much this visit would have increased his enlightened sympathies for our country!

During his short term at the foreign office my personal relations with him became frequent. They were of the most agreeable character, and at the same time practical. * * * He met every question squarely, decided with great promptitude, and always with a friendly disposition; at least such was my experience with him. The very day he left the foreign office I saw him there early in the morning, and he showed me, among the last papers he had signed, two letters, recommending in warm terms that satisfaction be given to us in relation to the prohibition of American pork and to the disability of American corporations.

* * * * * * *

I have, &c.,

LEVI P. MORTON.

No. 124.

Mr. Morton to Mr. Frelinghuysen.

No. 289.] LEGATION OF THE UNITED STATES,
Paris, January 29, 1883. (Received February 19.)

SIR: Although there are very few destitute Americans in France who might become a charge to the French authorities, it happens that the police report cases to me with the request that they be taken in charge by the legation. The minister of foreign affairs and the minister of the interior send also, occasionally, requests of the same nature, and I have recently received from the former a communication inquiring if my Government could not come to the assistance of one Kingston, an American citizen, now at the hospital of Rennes, who, "being a foreigner, cannot remain a charge to the French authorities."

As I am unable officially to respond favorably to any demand of this kind, I have seized this opportunity to make known to Mr. Duclerc the reason why our Government could not take any action in such cases as the one presented.

I send herewith a copy of my communication on this subject, and hope that it will meet the approval of the Department.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 289.]

Mr. Morton to Mr. Duclerc.

LEGATION OF THE UNITED STATES,
Paris, January 26, 1883.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the *16th instant*, informing me that one James Kingston, an American citizen, against whom a decree of expulsion was rendered, could not be embarked on account of the

state of his health, and that he had been admitted to the hospital at Rennes, where he still remains.

Your excellency adds that Kingston, being a foreigner, cannot remain as the charge of the department of Ille-et-Vilaine, and that the minister of the interior, M. Fallières, would like to know if the Government of the United States would not consent to take some action in order to assist this American citizen.

I regret to say that my Government receives from Congress no funds to be used for the purpose of sending home destitute Americans who happen to be abroad (except sailors), or to provide for their necessities, and that I am unable, therefore, to do anything official for Mr. Kingston.

I am very grateful to the French Republic for the charitable assistance given to this American citizen, and for many other acts of the same nature which have come to my knowledge. But your excellency will pardon me for saying that we do precisely the same thing in America for Frenchmen who may be in need of such assistance, and a glance at the table of emigration will readily show that the proportion of cases of this kind where our authorities are called upon to act must naturally exceed by far the number of cases where European Governments are to provide for destitute Americans.

My countrymen, as a rule, do not come to Europe, to France particularly, without means, and it is very seldom that they become a burden to the French authorities.

The question of returning home destitute Americans has once before been brought officially before my Government, by a note of the 25th of January, 1872, from the French minister at Washington, the Marquis de Noailles, who had made an application similar in some respects to the one now before me.

Mr. Hamilton Fish, then Secretary of State, was obliged to answer as I now do myself, that there were no funds available for granting such request, and in the course of this reply, which is dated February 15, 1873, he made the following remark:

"We have been rather occupied in this country in providing for the necessities of the destitute and suffering of European birth who have been made the subject of our pity and charitable care in great number and at great expense, but we have not thought it our right to ask other nations to assume these burdens, except in cases where paupers or persons incapable of supporting themselves have been sent here by governmental or municipal aid."

I have taken the liberty of quoting this paragraph of Mr. Fish's note, and have dwelt a little upon the subject to make clear why such cases as the one referred to me, which are sometimes brought before the legation, cannot be disposed of as the minister of the interior or the prefect of police would naturally like them to be.

In relation, however, to the peculiar case of Kingston, which is the subject of your excellency's note, if I could be furnished with particulars I would take pleasure in communicating with the relatives and friends of the man, or in commending him to the American Charitable Association, if the circumstances warrant such action.

I avail, &c.,

L. P. MORTON.

No. 125.

Mr. Frelinghuysen to Mr. Morton.

No. 230.] DEPARTMENT OF STATE,
Washington, February 26, 1883.

SIR: Your No. 283, of the 12th instant, in relation to the death of Mr. Gambetta, has been received.

The sentiments expressed by you on this occasion are commended. Mr. Gambetta's life-long devotion to the principles of popular government, his eminent services in his country's cause at a time of great public need, and the part he played in the upbuilding of a Government which so speedily and notably restored prosperity and tranquillity to France, and commanded the respect and admiration of all friendly nations, caused him to rank deservedly high among the men of his time and make his premature death regrettable as a national calamity.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 126.

Mr. Frelinghuysen to Mr. Morton.

[Extract.]

No. 247.] DEPARTMENT OF STATE,
Washington, April 4, 1883.

SIR: I inclose herewith for your information a copy of an instruction concerning the foreign debt of Venezuela, which has been addressed, *mutatis mutandis*, to our legations at London, the Hague, Copenhagen, Madrid, and Berlin.*

* * * * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 127.

Mr. Morton to Mr. Frelinghuysen.

No. 324.] LEGATION OF THE UNITED STATES,
Paris, April 4, 1883. (Received April 18.)

SIR: I availed myself of an occasion during a recent personal interview with Mr. Challemel Lacour, the new minister of foreign affairs, to call his attention to the subject of the decree prohibiting the importation into France of American salted meats, and subsequently addressed a communication to him on the subject, a copy of which I have the honor to transmit herewith.

In relation to this subject I have had different interviews with the representatives of the Chambers of Commerce of Paris, Marseilles, Bordeaux, and Havre, who take a special interest in the importation of American meats, and propose to make joint representations to the minister of commerce and to originate a sytem of petitions among the working classes of France urging the repeal of the decree.

This move, if properly directed, will be, it is hoped, effective. I have been, however, so often disappointed that I will not venture to count upon the success of the present movement, though it is well calculated to reach the end desired. I may add that at the conference for the protection of industrial property, which was presided over by the minister of commerce, and attended by the director of exterior commerce, I insisted with both these gentlemen upon the necessity of the abrogation of the decree.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 324.]

Mr. Morton to the minister of foreign affairs.

LEGATION OF THE UNITED STATES,
Paris, March 24, 1883.

SIR: I beg leave to call the attention of your excellency to communications which I have had the honor of addressing to your predecessors, Mr. St. Hilaire and Mr. Gambetta, with reference to the decree prohibiting the importation of American salted meats into France.

* See correspondence with the United States minister at Berlin, *post*.

This decree has now been in force for more than two years, while similar products from all other countries have been freely admitted in France.

An examination of the subject will, I trust, not only satisfy your excellency, but also your honorable colleague, the minister of commerce, that the decree was issued under a misapprehension of the facts bearing upon the question, and that there are no valid reasons why this exceptional measure, only applicable to the Government of the United States, should be abrogated.

The Government of the United States yields to none in its desire to protect the public health, and claims that the searching and careful investigation conducted by a most competent officer detailed for the purpose by the Department of State, clearly established the unfounded and erroneous character of the statements regarding the alleged unwholesome qualities of American hog products, upon which the issue of the prohibitory decree was based. The result of the examination was presented to Mr. St. Hilaire by my predecessor, General Noyes, on the 23d of June, 1881.

I beg leave also to refer to the report of the National Academy of Medicine of France on the question propounded by the Government regarding the necessity of an inspection of foreign pork, and which, after referring to the free admission of American and German pork for many years, without inspection, and its extended use in the manufacturing and industrial districts of France, states that the disease called trichinosis, with the exception of a single case, has not been observed in any part of France.

I can but believe that your excellency's Government will, after a consideration of all the evidence now before it, cheerfully place the Government of the United States upon the same footing as all other friendly nations by the revocation of the decree.

I avail, &c.,

L. P. MORTON.

No. 128.

Mr. Frelinghuysen to Mr. Morton.

[Extract.]

No. 253.] DEPARTMENT OF STATE,
Washington, April 7, 1883.

SIR: Referring to instruction No. 174, of October 6, 1882, of this Department to you as a delegate to the international convention for the protection of submarine cables, and acknowledging the receipt of your dispatch No. 250, of the 9th of November last, and inclosing a report of the result of the conference and a draft of a proposed international convention for the protection of submarine cables, I have to inform you that the draft in question having been carefully considered and found to be acceptable to this Government, you are authorized to conclude it on behalf of this country. * * * It is desirable that you and the British delegate should compare your texts so that they may be identical.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 129.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 333.] LEGATION OF THE UNITED STATES,
Paris, April 13, 1883. (Received April 25.)

SIR: Acting under the strange delusion which still exists in official circles, notwithstanding the overwhelming evidence to the contrary, that American pork is subject to trichinosis, the French department of

commerce is contemplating the organization of a system of curative measures to guard against the supposed infection by submitting all our salted meats to a freezing process upon their entry into France. Whether this new device would or would not destroy trichinosis where it happens to exist, it has dissatisfied all the French importers and dealers in American hog produce, who consider it as calculated to greatly injure the meat, and have protested in strong language against its application. You will find herewith a copy and translation of the petition they have addressed in this respect to the minister of commerce.

One of the leaders in this movement informs me that all interested in this business prefer simple prohibition to the apparent facilities offered by the application of the freezing process. It is the intention of the French dealers to push this matter as strongly as possible and to bring it before a cabinet meeting.

I again, a few days ago, called the attention of Mr. Challemel Lacour to this subject, and I am sorry to say that although he is personally in favor of the repeal of the decree of prohibition, and has urged it, he does not believe that his colleague will favor, at present, its abrogation. His reasons are that other countries have taken similar measures of prohibition, and that French scientists are divided upon the question of the danger which may result from the consumption of American meats.

I did not conceal from Mr. Challemel Lacour the fact that the continuance of this long-standing prohibition had already created much feeling at home, and that our people could not understand why such discrimination should be made against them, when the highest French scientific authorities had emphatically declared that the measure was groundless, and my apprehension that Congress would take some retaliatory action unless the decree was abrogated.

Mr. Challemel Lacour said he would again call the attention of his colleague to the matter.

The truth is, that the decree was rendered under the pressure of certain French packers who are still interested in its maintenance. By a strange coincidence, these very men, who are also producers of sardines and other canned articles, have been specially favored by our new tariff. * * *

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 333.—Translation.]

PETITION ADDRESSED TO THE MINISTER OF COMMERCE BY FRENCH IMPORTERS OF AMERICAN HOG PRODUCTS.

BORDEAUX, *April* 4, 1883.

To the Minister of Commerce, Paris:

MONSIEUR LE MINISTRE: We, the undersigned merchants in American salted meats and lard at Bordeaux, have the honor to solicit your favor, Monsieur le Ministre, for the fulfillment of the promises which have been so often made to us in claiming the abolition of the decree of the 18th of February, 1881.

The solution of this question can be no longer delayed; light has been brought to bear on it, and our port should be opened to the free importation of these provisions, indispensable to the nourishment of the poor classes, and the absence of which has already caused an increase of price, so hard for the nourishment of workmen.

The spontaneous and disinterested petition which has just been made to you, M. le Ministre, by the presidents and delegates of the Chambers of Commerce of Paris, Marseilles, Bordeaux, and Havre, lead us to hope that the just claims, made in such ressing terms by the most important personages of French trade, should have imme-

diately brought about the withdrawal purely and simply of the prohibitive decree, and that you would have thus put an end to a state of things so fatal to the industrial and commercial interests of the country.

But, if you contemplate acceding to these just demands, we learn with surprise that you are about to consider a project which will consist in submitting salted provisions on their entry into France to a system of refrigeration, against the adoption of which we protest with the utmost energy.

We know that for several years past a patent has been taken out for the preservation of provisions by freezing, that the owners of this patent have been seeking means to utilize it, but apparently without success, since at present they rush to find for it a lucrative employment and easy profits in having it adopted by the Government.

The application of this system would be disastrous, and would completely damage the trade; in fact, M. le Ministre, the numerous manipulations which the provisions would undergo in order to be submitted to the influence of the cold, the unpacking of the barrels, the hanging on the ladders intending to facilitate the storage, the repacking, &c., would give rise to such expenditures, such damage and deprecation of qualities that it would be foolish on the part of serious business men to expose themselves to such risks.

To these inconveniences, which are more than sufficient to cause the rejection of such a project, we should add that it appears to us impossible that provisions submitted to the action of the cold and to a high temperature can be preserved, and we maintain this statement notwithstanding the laboratory experiments on a single ham. This trade would then be exposed to so many risks and hazards that there would be no security to engage in it.

Of all the means proposed, refrigeration is that which we most energetically reject; but if the greater part of the others present inconveniences almost as serious, one only has been put to the test, that is, the free circulation, which for twenty years has never given rise to a single complaint or caused a single accident.

The return then to the common right is then the solution which we solicit from your justice, M. le Ministre, as compensation for the harm done by the decree of the 18th of February, and we claim it not only in the name of our trade but in the name of public interest.

In fact, M. le Ministre, this unfortunate measure has had the effect of provoking in the American press violent and unjust attacks against alimentary produce exported by France to the United States, attacks, which, if continued, would end by throwing disfavor on such produce and driving it from this vast market.

Moreover, the reprisals with which the Government of the United States has not ceased to menace the French trade have received commencement of execution in the rise of the entry duties imposed on our wines, which is of a nature to considerably reduce the sale.

We, then, who have always foreseen such consequences from the decree of the 18th of February, and that in spite of interested denials, do not hesitate to affirm that refrigeration can never be considered as a compensating measure (since it will have all the effects of prohibition), but rather as an indirect means calculated to perpetuate it, and that our Government can never succeed by such a proceeding in overcoming the obstacles which the new tariff has just raised against our produce.

We know sufficiently well all the interest you take in the national trade to be convinced that you will take into consideration the remarks which we have the honor to place before you, and that you will favorably receive our petition.

We beg you, &c.,

[Signatures.]

No. 130.

Mr. Frelinghuysen to Mr. Morton.

No. 267.] DEPARTMENT OF STATE,
Washington, April 26, 1883.

SIR: Your dispatch No. 333, of the 13th instant, inclosing a copy of a petition addressed to the minister of commerce by French importers and dealers in American pork, has been read with interest as a valuable indication of the tendency of sound opinion in France on the question.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 131.

Mr. Davis to Mr. Morton.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 25, 1883.

Express to family of Laboulaye sincere condolence and sympathy with them in their bereavement.

DAVIS,
Acting Secretary.

No. 132.

Mr. Morton to Mr. Frelinghuysen.

No. 350.] LEGATION OF THE UNITED STATES,
Paris, May 31, 1883. (Received June 14.)

SIR: On the 25th instant, Mr. Edouard Lefebvre de Laboulaye died in Paris, at the age of seventy-two, of an attack of apoplexy following a protracted illness.

Mr. Laboulaye was a Senator, a member of the Institute, and a grand officer of the Legion of Honor. He was also administrator of the College of France, professor of international law at that celebrated institution, and a member of perhaps all the learned societies of Europe.

Among all his well-earned and well-deserved titles, there is one which gives him a special claim to the gratitude of the American people. He was a devoted friend of our country and our Government; although he had never crossed the ocean, he knew America and American history, I dare say, better than many Americans. For more than thirty years his mind had been directed towards the institutions of the United States, and he had made himself so familiar with them, and had mastered so completely our theory of government, that he had become a recognized authority in France and in Europe upon all matters bearing upon the American system and its true relation to the great moral and philosophical principles which govern the world. Every enterprise or scheme in which our people and country were concerned, found in him an unrelenting advocate, an actual and active co-operator. He was president of the Franco-American Union which initiated the move for the erection in New York harbor of the statue of Liberty. He actively associated himself with the committee organized to promote a commercial treaty between France and the United States, and recently, though in bad health, he cheerfully consented to be, with Mr. De Lesseps, one of the presidents of the French commission to the exhibition of Boston.

Your telegram instructing me to express to the family of Mr. Laboulaye sentiments of condolence, reached me at the moment I was in receipt of the following letter, by which Mr. René Laboulaye, the second son of the deceased, informed me of the death of his father:

[Translation.]

COLLEGE DE FRANCE,
Paris, May 25, 1883.

Mr. MINISTER: It is my painful duty to inform you of the death of my father, Mr. Édouard Laboulaye, Senator. He had the honor to count among his friends several

of the most eminent men of the United States, and he had for your country a profound affection which he often expressed in his lectures, speeches and books.

We thought it our duty, Mr. Minister, to inform you officially of the death of one of the greatest friends of America.

I beg you to believe me, &c.,

RENÉ DE LABOULAYE.

Mr. MORTON, *Minister of the United States.*

I replied as follows:

LEGATION OF THE UNITED STATES,
Paris, May 26, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, which confirmed the sad news of the death of Mr. Édouard Laboulaye, your father.

Upon learning the loss that you and all friends of republican principles have sustained, my Government, fully aware of what the United States owes to the eminent thinker who made himself in France the eloquent interpreter of American institutions, instructed me by telegraph to express its sentiments of condolence and lively sympathy; and it is a duty which I cannot fulfill without emotion, while thinking of the too short but agreeable relations that I had the honor to have with your father.

I thank you, sir, for having been so good as to inform me yourself of an event in which all Americans take so large a part, and I beg you to believe that my regret is shared by all my fellow-countrymen.

Accept, &c.,

L. P. MORTON.

The funeral of Mr. Laboulaye was attended by a large concourse of the most distinguished citizens of France, and was quite imposing, although very simple. I was present, with Mr. Vignaud, secretary of this legation, and many other Americans, at the services in the church and at the cemetery of Père la Chaise, where the body was interred in the family vault. If Mr. Laboulaye had not expressed the desire that no speeches should be made at the grave, I should have made a few remarks in testimony of the high opinion my countrymen entertained of the character of this great friend of their rights and liberties. But, as will be seen by the letter which I inclose herewith from Mr. Paul Laboulaye, the eldest of Mr. Laboulaye's sons, envoy extraordinary and minister plenipotentiary of France at Lisbon, the sympathies of our people and Government have been highly appreciated:

[Translation.]

PARIS, *May* 29, 1883.

Mr. MINISTER: I have received the letter in which you do me the honor to transmit to me, upon the death of my father, the sentiments of condolence and lively sympathy of the Government of the United States. My mother and my brother, to whom I have communicated the same, join me in begging you and the country that you represent, and of which you have been the interpreter, to accept the expression of our most heartfelt gratitude.

We consider the homage of which my father is the object one of the greatest that it is possible for a citizen to receive. A man's life has not been spent in vain and his memory is particularly honored when he continues, after death, to be one of the links of that chain which binds together, across the ocean, two great nations, who, for more than a century, have been faithful to each other.

It is also with a profound gratitude that we thank you personally, Mr. Minister, for the part so sympathetic that you have taken in the last duties that the friends of my father have rendered to him.

Receive, &c.,

P. LABOULAYE.

I have, &c.,

LEVI P. MORTON.

No. 133.

Mr. Frelinghuysen to Mr. Morton.

No. 294.] DEPARTMENT OF STATE,
Washington, June 22, 1883.

SIR: Your No. 324, of the 4th instant, in relation to the French prohibition of the pork products of the United States from importation into France, has been received. Your note to Mr. Challemel Lacour is approved.

When the question of prohibitory measures against imports of American pork was lately under discussion in the German Reichstag, the President extended to the German Government an invitation to send a commission of experts to the United States to investigate on the spot the operations of hog raising, slaughtering, and packing, and so satisfy itself that the conclusions reached by this Government, after a searching investigation, are sound. The German Government did not, however, find it practicable to act in season upon this suggestion.

I send you for your information a copy of the instruction sent to Mr. Sargent, conveying this invitation.* It might perhaps be embarrassing to extend a like formal invitation at this late day to the French Government, but you are at liberty to mention the circumstance to Mr. Challemel Lacour as an additional illustration of the conviction felt by this Government that the charges of unsoundness and deleteriousness brought against the pork products of the United States are without adequate foundation, and of the confidence with which we court the fullest investigation of the facts. You may say to the minister that it is probable that the President will, during the present year, designate a commission of the most eminent scientific men of this country to examine into the matter and make a searching and impartial report. If Mr. Challemel Lacour should express a desire to have a French representative appointed on such commission, or to send a French expert to act in concert therewith, you will say to him that such co-operation would be gladly welcomed.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 134.

Mr. Brulatour to Mr. Frelinghuysen.

No. 370.] LEGATION OF THE UNITED STATES,
Paris, July 12, 1883. (Received July 24.)

SIR: Mr. George Schmidt, an Austrian by birth, who obtained naturalization papers at Cincinnati on the 1st of June, 1883, and who holds a passport from the State Department, dated June 3, 1883, applied to this legation for passports for his two sons, Otto and Gustavus, on the ground that, being both under age, his own naturalization had also conferred upon them the privileges of American citizenship.

Messrs. Otto and Gustavus Schmidt having declared that they had never been in the United States, Mr. Vignaud, in a letter, copy of which

* See Instruction No. 87, February 16, 1882, to the United States minister at Berlin

is herewith inclosed, informed their father that they could not be recognized by this legation as American citizens; that the act of 1802 (section 2172 of the Revised Statutes), which confers American citizenship to the minor children of persons who have been duly naturalized, has that effect only when such children are dwelling in the United States, and that it was doubtful whether they could now take advantage of that act, even by fixing their residence in the United States.

Mr. Schmidt was nevertheless informed that, should he so desire, the case would be submitted to your decision, and at his request I have the honor to lay the matter before you, with this additional statement, made subsequently by Mr. Schmidt, that his sons were in reality dwelling in the United States when he became naturalized, and that this fact, which is well known to people residing at Cincinnati, was concealed at first for private reasons, the character of which could not be well understood at the legation.

Though the circumstances of this peculiar case seem to be plain enough to warrant the refusal of a passport to Messrs. Otto and Gustavus Schmidt, other cases of the same nature may arise when it may be necessary to be authoritatively informed whether these words of the act of 1802, "if dwelling in the United States," mean dwelling within the United States at *the time of the naturalization of the parents.*

The books of reference within reach of this legation give no precedent bearing exactly upon the point. In Campbell *vs.* Gordon (6 Cranch, 176) the Supreme Court has held that "a minor child of a father who was naturalized became a citizen, though not then within the United States, provided she was a resident therein at the time of the passage of the act." (Digest of Published Opinions, &c., p. 160.) But this is an exceptional case, the circumstances of which cannot possibly recur.

Decisions of State courts are quoted (Gianque: Election and Naturalization Laws, p. 58) in favor of the construction that the children to whom the act of 1802 applied must be dwelling in the United States at the time of the naturalization of their parents; but it has not been possible to verify these quotations (see West *vs.* West, 8 Paige, N. Y.; Re Morrison, 22 Howard, N. Y.).

Hoping that the Department will kindly give its attention to this matter,

I have, &c.,

E. J. BRULATOUR.

[Inclosure 1 in No. 370.—Translation.]

Mr. Vignaud to Mr. Schmidt.

LEGATION OF THE UNITED STATES,
Paris, July 9, 1883.

SIR: Invoking the principle that the naturalization of the father entails that of infant children, you represent that you have renounced Austrian nationality to acquire, on June 1, 1883, American citizenship, and that you desire an American passport for your children, Otto Schmidt, aged 19 years, and Gustavus Schmidt, aged 18 years, who propose to travel in Servia.

By act of the 14th of April, 1802 (section 2172, Rev. Stats.), it is true that the children of those who obtain American naturalization become, by this fact, Americans themselves, but it is only upon condition that they reside in the United States—"if dwelling in the United States," says the text.

Your sons (and yourself) having acknowledged that they have never been to the United States, it is not possible to apply to their case the provision of this act, and to consider them as American citizens. This legation, therefore, to its great regret, finds itself under the necessity to refuse the passport desired. I may add that

think it doubtful whether your sons can benefit of the act of 1802, even if they go to the United States and establish their domicile there, because the context of the law implies that the residence in the United States of the minors in question should take place at the moment of the naturalization of the parents.

If, however, you so desire, sir, the chargé d'affaires will, with pleasure, submit the case to the Department of State at Washington, and ask whether it is possible to deliver a passport to your sons, and in the contrary case what facilities are secured to them by the act of 1802.

I have the honor to return herewith the documents you left with me, viz, your certificate of naturalization, your passport, and the Austrian passports of your sons.

Please accept, &c.,

HENRY VIGNAUD,
Second Secretary.

No. 135.

Mr. Brulatour to Mr. Frelinghuysen.

No. 371.] LEGATION OF THE UNITED STATES,
Paris, July 17, 1883. (Received August 2.)

SIR: Referring to your dispatch No. 294, of the 22d of June, in relation to the commission of experts which the President will probably appoint during the present year to investigate on the spot the operations of hog-raising, slaughtering, and packing, I have the honor to state that I acquainted Mr. Challemel Lacour with the intention of the President, and took occasion to say that should the French Government desire to appoint a French examiner to act in co-operation with this commission, such co-operation would be gladly welcomed.

Mr. Challemel Lacour seemed rather pleased with the idea of putting this matter in the hands of experts well qualified to report fully and impartially, and said he would mention the subject to his colleague, the minister of commerce, and inform me of his decision.

I have, &c.,

E. J. BRULATOUR.

No. 136.

Mr. Frelinghuysen to Mr. Brulatour.

No. 317.] DEPARTMENT OF STATE,
Washington, July 21, 1883.

SIR: I inclose herewith a copy of a letter (with its inclosure) from Mr. John C. Lowrie, secretary of the board of foreign missions of the Presbyterian Church, in relation to a decree of the French Government concerning primary schools at Gaboon. Mr. Lowrie states that similar regulations have been published at Kangwe, on the Ogove River. The object of this decree is to enforce the use of the French language exclusively in that part of Africa. The secretary states that the board has reason to fear that this policy will seriously embarrass the benevolent work in which it is engaged in that region, of which education is an important element. The self-sacrificing agents of the society usually use the vernacular languages of the country as a medium of instruction, and they have reduced two of the languages to written form, prepared grammars and vocabularies and translated the Scriptures, all of which, with some small books, have been printed. Through their schools and

these books they hope to extend the benefit of Christian education amongst the native African tribes in their own every-day speech, for to most of these tribes both English and French must remain foreign tongues, known to but few. In the service of the board engaged in prosecuting this praiseworthy work are twenty-three self-sacrificing American citizens, men and women, aided by some of the natives who have been trained as teachers. The enforcement of the decree will evidently embarrass the prosecution of the benevolent and self-imposed task of the board, in leading into civilization the natives whom they are endeavoring to educate. It would seem that a mild application of the decree would lead sooner to the result aimed at by France than a strict and literal enforcement of its provisions, and that by first educating the natives in their own tongues and training their minds by study in a dialect familiar and easy to them, the way would be prepared for acquiring the French language more easily and with less distaste to the pupil than were his untrained mind immediately directed to the study of a foreign tongue.

You will confer with Mr. Challemel Lacour on this subject, with a view of obtaining any concessions which may properly be granted modificatory of the decree, and which may relieve the hardship otherwise to be suffered by the agents of the society, who are engaged in a work which cannot fail to obtain the sympathy and approval of the French Government.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 317.]

Mr. Lowrie to Mr. Frelinghuysen.

NEW YORK, *July* 13, 1883.

SIR: I am directed by the board of foreign missions of the Presbyterian Church to lay before you the inclosed paper, the copy of a decree concerning primary schools at Gaboon, West Africa, by the French Government. Similar regulations have been published at Kangwe, on the Ogove River, in the same dependency of France. Their object is to enforce the use of the French language exclusively in the schools of that part of Africa.

The board has reason to fear that this policy would severely embarrass the benevolent work in which, under its charge, some of our countrymen have been employed for a period of about forty years as missionaries. Education forms an important part of their work. At first our friends make use of their own language in some of their schools, but their main purpose is to employ the vernacular languages as the medium of all instruction. They have reduced the Benga and Upongwe languages to a written form, prepared grammars and vocabularies in both, translated the sacred Scriptures, and prepared some small books, all of which have been printed in these tongues. And they hope by their schools and books gradually to extend the benefits of Christian education amongst the native African people in their own every-day speech. To the great mass of these tribes English and French must always remain foreign languages, learned by comparatively few persons.

In the service of the board there are now twenty-three of our American citizens, men and women, aided by twenty-five Bengas, Upongwes and other natives, in some degree trained to be useful to their own people as teachers, &c., and having under instruction about two hundred children and young persons. The pecuniary outlay of the board for this good work last year was about $30,000, the gift of benevolent people in our country.

The board takes pleasure in acknowledging the courtesy and favor of many French gentlemen in public service in the colony of Gaboon, as shown to its missionaries. It cannot doubt that these missionaries will always be found worthy of the respect and confidence of the rulers of that part of the world; and it ventures to hope that the embarrassment now brought to your attention may soon be removed. Such a result would be welcomed by a large part of the people in this country who are represented

by the board, no less than by its members, many of whom must be well known by the President, yourself, and other officers of the Cabinet. The board therefore feels the greater liberty in requesting the good offices of our Government, in so far as may be considered advisable, to obtain from the honored rulers of France the relief sought in this memorial.

With great respect, &c.,

JOHN C. LOWRIE,
Secretary.

[Inclosure 2 in No. 317.—Translation.]

Decree concering primary schools at Gaboon.

According to a dispatch of the 29th of April, 1883, is promulgated in the colony of Gaboon the decree of the President of the Republic, dated April 9, 1883, as follows:

"The President of the French Republic, on the report from the minister of navy and colonies, according to the eighteenth article of the Senatus consulate, of May 3, 1854, considering the notice from the minister of public instruction dated April 4, 1883, it is decreed:

"ARTICLE 1. In the primary schools of Gaboon, teaching must be done exclusively in the French language. Half at least of the school time must be spent in studying French.

"ART. 2. All persons wishing to open a school or infant school must ask the commandant for permission.

"ART. 3. Primary schools for boys are to be under the direction of men. Primary schools for girls, mixed schools, and infant schools are to be under the direction of women.

"ART. 4. There is instituted a diploma of primary studies. This diploma is given after public examination, where the children are present themselves, from the age of eleven years. The jury of examination is appointed by the commandant.

"ART. 5. All violations of the regulations in the present decree are to be prosecuted before the *tribunal correctionnel* (police court), and the director of the school fined from 50 to 100 francs ($10 to $20). In case of a sentence being passed, an order from the commandant can pronounce the closing of the school.

"ART. 6. The minister of navy and colonies has charge of the execution of the present decree, which will be inserted in the *Bulletin des Lois* and official report of the colony.

"Done at Paris, on the ninth of April, eighteen hundred and eighty-three."

[Signatures of President, minister of navy and colonies, &c.]

No. 137.

Mr. Frelinghuysen to Mr. Brulatour.

No. 321.] DEPARTMENT OF STATE,
Washington, July 30, 1883.

SIR: Your dispatch, No. 370, of the 12th instant, relating to the application of Mr. George Schmidt for a passport for his two minor sons, Otto and Gustavus, has been received. You state that—

Mr. Schmidt, an Austrian by birth, who obtained naturalization at Cincinnati on the 1st of June, 1883, and who holds passport from the State Department dated the 3d of June, 1883, applied to your legation for passports for his two sons, Otto and Gustavus, on the ground that, being both under age, his own naturalization also conferred upon them the privileges of citizenship. Messrs. Otto and Gustavus Schmidt, having at the same time declared that they had never been in the United States, the legation refused to comply with Mr. Schmidt's request.

Mr. Vignaud's ruling and conclusion was entirely correct, and is approved. The young men in question are not entitled to passports. The provision of the act of the 14th of April, 1802 (section 2172, Revised Statutes of the United States), has received both executive and judicial

construction. The Attorney-General of the United States (Bates) in 1862 held that—

> Under the fourth section of the act of April, 1802, to establish a uniform rule of naturalization, &c., such children, if dwelling in the United States, are declared citizens. That section, [continues the Attorney-General], provides, in brief, that the children of persons duly naturalized under any of the laws of the United States, &c., being under the age of twenty-one years at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States
>
> The section, of course, refers to children born out of the United States; since the children of such persons born within the United States are citizens without the aid of statutory law. (10 Opinions, p. 329.)

You may, at your convenience, inform Mr. Schmidt of this conclusion of the Department.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 138.

Mr. Brulatour to Mr. Frelinghuysen.

No. 382.] LEGATION OF THE UNITED STATES,
Paris, August 1, 1883. (Received August 15.)

SIR: I have the honor to submit to your consideration a request made by Mr. Eugene Albert Verdelet, a native of France, who claims to be an American citizen. The circumstances of the case are as follows:

Mr. Verdelet was born in 1862 at Bordeaux, France, where he has always resided with his family. His father, a Frenchman by birth, resided in the United States some thirty-five years; was married there, and became in 1853 an American citizen; some years later, in 1859, he returned to France, and lived there until his death, which occurred in 1874.

Now, according to the French law of December 16, 1874, a translation of which I inclose, any one born in France, from a foreigner who himself was born in France, is French, unless he claims his foreign nationality in the year he becomes of age, and produces a written certificate or attestation from his Government that he has maintained his original nationality.

Mr. Verdelet, who has taken the oath of allegiance before the American consul at Bordeaux, asks to be furnished with this certificate or attestation. He states that he has never been in America, but that he has property interests in the States which will sooner or later call him there. If the certificate required of him is not produced before March, 1884, he will be considered as French, and liable to military service.

This is not the first time that this request is brought before the legation. In 1880, Mr. George W. Verdelet applied to General Noyes to obtain that the certificate of citizenship above mentioned be issued to his two brothers, John Henry Verdelet and Eugene Albert Verdelet, the present applicant. The matter was referred by General Noyes to Mr. Vignaud, who informed Mr. G. W. Verdelet that, for reasons which he stated in a letter, copy and translation of which are also herewith inclosed, his request could not be granted, but that it would be submitted to the State Department if he so desired.

Mr. G. W. Verdelet did not then avail himself of this offer, but he now accepts it in behalf of his brother Eugene, who called in person at the legation, where he stated his case, and furnished satisfactory evidence of the facts above stated.

With reference to this subject, I beg leave to mention a dispatch from Mr. Evarts to Mr. Hitt, dated February 13, 1880 (No. 209), concerning the case of John Letorey, which is somewhat similar to the present one.

I have, &c.,

E. J. BRULATOUR.

[Inclosure 1 in No. 382.—Translation.]

French law of December 16, 1874.

ARTICLE I. Article I of the law of February 7, 1859, is amended as follows:

Any individual born in France of a foreigner, who himself was born there, is French, unless, in the year following the time of his majority, as fixed by French rule, he claims his foreign nationality by a declaration made either before the municipal authorities of the place of his birth or before the diplomatic or consular agent of France abroad, and establishes that he has maintained his original nationality, by an attestation in due form, of his Government, which will remain affixed to the declaration.

[Inclosure 2 in No. 382.—Translation.]

Mr. Vignaud to Mr. G. W. Verdelet.

LEGATION OF THE UNITED STATES,
Paris, April 13, 1880.

SIR: The minister has received your letter of the 8th instant, and charges me to reply to you.

This letter and the one of the 17th of February, which you have addressed to this legation on the same subject, establish the following facts:

Your two brothers, John Henry Verdelet and Eugene Albert Verdelet, were born in France from a father, now deceased, who was himself born in France, but who had acquired American citizenship in the United States, where he resided thirty-five years. Your two brothers are living in France, where it is likely they have always resided. Your letters do not state if they have resided in the United States, nor if it is their intention to live there in future.

The French law of December 16, 1874, considers as a French subject any individual born in France from a foreigner who himself was born there, unless, in the year following his majority, he claims to be a foreigner, and establishes that he has maintained his original nationality, by producing an attestation, in due form, of his Government. You ask that your two brothers be furnished with such attestation, that is to say, with a certificate of American citizenship which will exempt them from military service in France.

The Government of the United States, which easily grants American citizenship to foreigners, recognizes with no less facility to Americans themselves the right of renouncing their nationality; but it does not admit that one can have at the same time two nationalities, so as to avail himself alternately of the advantages or of the honors adherent to each, without participating in the burdens and duties of either.

For this reason, and for others which you can easily imagine—the one, for instance, that it is proper to avoid as much as possible causes of conflict between friendly powers—the Government of the United States has found it advisable to prescribe to its diplomatic agents abroad to abstain themselves, when those who claim their intervention are established in a foreign country without any intention of returning to the United States, such establishment reasonably implying a renunciation of American citizenship.

In the case of your brothers, their American citizenship could not be denied to them in the United States, because it is recognized by law (Revised Statutes, section 1993), and because their residence within the limits of the jurisdiction of the United States would be a satisfactory evidence that they hold to their original nationality and that they are not merely Americans by *right* or in *theory*, but also Americans in *fact*.

The settlement of your brothers and yourself in the country where your father was born, and where they were born themselves, being apparently definitive, the minister

finds himself compelled to refuse the certificate of citizenship they apply for. If, however, they desire it, the minister will submit their case to the superior decision of the Secretary of State.

I have, &c.,

HENRY VIGNAUD,
Second Secretary.

No. 139.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 403.] LEGATION OF THE UNITED STATES,
Paris, September 12, 1883. (Received September 26.)

SIR: On the 6th instant a bronze statue of La Fayette, the first one erected in France, was unveiled at Le Puy, the capital of the department in which La Fayette was born, and near the home of his family.

With true appreciation of what is due to America in the fame of La Fayette, the French authorities and the family of La Fayette expressed an earnest desire that the representative of the United States should be associated with this public tribute to his memory. In response to a most flattering invitation from the prefect of the department, the mayor of Le Puy, and Senator Edmond de La Fayette, the only one now bearing that illustrious name, I esteemed it a duty as well as a pleasure to attend the ceremonies connected with the unveiling of the statue, which were performed with fitting solemnity in presence of high functionaries of the French Government, of living representatives of the family of La Fayette, and of a large concourse of people, including quite a number of distinguished Americans.

I venture to send herewith extracts from newspapers * * * giving a full account of the speeches made at Le Puy, and of interesting incidents of the day.

You will notice with gratification, I am sure, that the whole proceedings evinced in the most flattering manner the existence of a strong and true feeling of good-will and amity between France and the United States. The French speakers were particularly emphatic in their expression of friendship for our country and Government, and of admiration for our institutions. These sentiments were expressed not only by those who took part in the Le Puy proceedings: the unveiling of the statue was the occasion of a general expression of the warmest feelings of friendship for our Government and people. Papers of all grades and political opinions have united in bestowing upon our country and political system the most flattering eulogies, and in rejoicing over the faithful and happy relations which have so long existed between the two nations. * * * I am satisfied that in the opinion of the masses, as well as in the belief of the Government, the United States is looked upon as the best and most reliable friend of France, the only one from whom she has nothing to fear, and perhaps also the only one in whose footsteps she is inclined to follow.

* * * * * * *

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 403.—From Morning News, Paris, September 7.]

Mr. Morton's speech at the unveiling of the statue.

The Hon. L. P. Morton, who was frequently applauded, then spoke as follows:

MONSIEUR LE MAIRE AND GENTLEMEN: I accepted as a privilege and a duty the invitation with which I was honored by the department of the Haute-Loire and the town of Le Puy to be present on this occasion and to assist in the ceremonies connected with the inauguration of a statue of General La Fayette.

I claim for my country, to whom he rendered such inestimable services, a full share in the inheritance of his fame, and I rejoice as its representative to unite on this occasion with the distinguished members of the Government and with the descendants and countrymen of La Fayette in this tribute to his memory.

I am happy to express to you the devoted and sympathetic interest of my Government, and the grateful affection of the citizens of the United States, for the illustrious patriot who, next to Washington, of all the heroes of the Revolution, awakens in American hearts the deepest sympathy and gratitude. And what is it that has won for him the honor, gratitude, and affection of my countrymen? I answer, the principles which directed his public life, the invaluable services which he rendered my country in the hour of her greatest trial. It was his love of liberty which led him, a youth of nineteen years, to embrace the cause of American independence, and inspired him to say, "When I first heard the news of the struggle, my heart leaped to your cause with enthusiastic sympathy."

And what is it that gives to La Fayette his spotless fame? I answer, his unfaltering devotion to constitutional freedom; for always, whether in the days of the monarchy, the empire, or the republic, he was ever the consistent advocate of the supremacy of the law; ever demanding that liberty should be defined and protected by chartered rights. His love of liberty was a part of his very being—the inspiration of his life.

This life-like statue—one of the triumphs of art—around which we are now assembled, will recall to generations yet unborn the great services which he rendered to the sacred cause of constitutional liberty. More than a century has passed since La Fayette enlisted in the war of American independence, devoting to it his fortune, influence, and life.

Would that he could this day rise from his grave and look upon the marvelous results of the work which he and his countrymen took so great a part in preparing. Would that he could hear the words of respect and gratitude which greet his memory to-day. Would that he could look out and see that the two countries which he loved and served so well were never more closely united in sympathy and good-will than on this day, when the citizens of both are here engaged in inaugurating a statue to perpetuate his memory.

Only a few weeks have passed since more than 10,000 people assembled at Burlington, in my native State, to inaugurate a statue of La Fayette, and relay the corner-stone of the University of the State of Vermont, which was originally laid by the illustrious general during his visit to the United States in 1825. Among those present were the governor of the State, all the living ex-governors, the president, faculty, and trustees of the university, battalions of United States troops, of the National Guard of the State, and of the Grand Army of the Republic.

We have assembled to-day for a similar purpose, near the birthplace of La Fayette, and I esteem it a great privilege to stand in the presence of, and feel that I may claim, both for my country and personally, the friendship of the grandson—your distinguished Senator—M. Edmond de La Fayette, and other descendants of the great patriot and soldier.

I will not attempt to even sketch the eventful life and distinguished services La Fayette rendered to his native land, or to the nation he sacrificed so much to serve; they form an important part of the history of France and of the United States during their struggle for independence. I may, however, repeat the prophetic words he uttered to a committee of the American Congress, appointed to present him, upon his return to France, with a letter addressed to the King, expressive of their high appreciation of the services he had rendered, when he said, "May this immense Temple of Freedom ever stand, a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind! and may these happy United States attain that complete splendor and prosperity which will illustrate the blessings of their Government, and for ages to come rejoice the departed souls of its founders."

The founders of this Temple of Freedom have long since seen the last of earth, but the Temple they raised still stands in all its matchless proportions, a beacon light to the oppressed, a sanctuary for the rights of mankind, and we live to witness the realization of his prayer and prophetic words.

General La Fayette made two visits to the United States as the guest of the nation after the War of Independence—the first time during the life of Washington, his warm

personal friend and companion in victory and defeat, and again in 1824. His reception by the Government and the people was on both occasions a continual ovation from the time of his arrival to that of his departure. His name is a household word from the Atlantic to the Pacific, and will be for all time imperishably associated with that of Washington, the grandest character in American history.

May the friendship formed on the field and in the camp between Washington and La Fayette—typical representatives of the grand qualities of the French and American citizen-soldier—remain unbroken between the two great Republics until the end of time.

[Inclosure 2 in No. 403.—Translation.]

Mr. Waldeck-Rousseau's speech.

Mr. Waldeck-Rousseau followed with a speech, of which the following are the important paragraphs:

"The minister of the United States has just expressed for France sentiments of cordiality and friendship, which cannot go unanswered. I feel bound to thank him warmly for such sentiments and to tell him in the name of all republicans of this department here present how happy we are, how much we are affected to see by the side of us, united in a like sentiment of veneration for that man of whom Senator Vissaguet has just spoken so eloquently, the accredited representative of that other great democracy, which is the American democracy, of that other great Republic, which is the Republic of the United States, laborious as ours, pacific as ours, and convinced as we are that free people cannot buy that inestimable boon of peace except upon the double condition—to be firmly resolved never to undertake anything against others, but also never to permit others to undertake anything against them. [Loud applause.]

"The democracy of America is the true republicanism, and we should esteem it a happy day for France when we arrive—as we believe we are now in the way of arriving—at the perfection of a Republic such as Washington founded, with the aid of our own La Fayette. We seek no aggrandizement not founded upon the true development and just protection of our commercial interests, and these we hope to be always prepared to defend."

[Inclosure 3 in No. 403.—Translated from La Haute-Loire of September 8, 1883.]

Senator La Fayette's toast at the banquet.

Mr. E. de La Fayette proposed in the following terms a toast to the United States and the President of the great American Republic:

"MY DEAR FELLOW-TOWNSMEN: I claimed the honor to propose a toast to the President of the United States, to Mr. Morton, representative of the Republic, and to his fellow-countrymen present at this banquet.

"In proposing this toast I only pay a debt of gratitude towards that country which has never ceased to give proof, in every circumstance, of its respect and of its sympathies for the name of La Fayette.

"The echo of this great fête, you may be sure, my dear fellow-townsmen, will resound in all American hearts to-day, more than ever, when the two people, having fought in the past on the same battle-fields for the cause of American independence, find themselves, at the present day, united by the ties of a community of republican institutions.

"Let Mr. Morton and his countrymen be welcomed amongst us; they will retain, I am convinced, the best souvenir of your hospitality. You have shown them by your cordial reception that, while doing honor to the memory of La Fayette, you will not forget that he was the friend and brother-in-arms of their immortal Washington.

"To Mr. Morton and his fellow-countrymen! A hearty welcome to Mr. Morton and his fellow-countrymen! To Mr. Morton, citizen of New York, minister of the American Republic, and to the President of the United States!"

This toast was greeted by enthusiastic cheers for the American representation, clapping of hands follows, table napkins are waved in the air—"Hip, hip, hurrah!"

[Inclosure 4 in No. 403.—Extract from the Morning News.]

Mr. Morton's reply.

The principal speech of the evening was made by Mr. Morton, who, replying to the toast of "The President of the United States," felicitously proposed by Senator La Fayette, said:

"MONSIEUR LE MAIRE, MESSIEURS: The warm and enthusiastic reception which you have given to the toast in honor of the President of the United States almost leads me to believe that the department of the Haute-Loire is one of the States of the American Union. As General La Fayette was one of the founders of the American Republic, we claim his descendants as adopted citizens of the country with which his name will always be associated, and when the department of his birth knocks at the door of the American Congress for admission, she will be received with open arms, with your distinguished Senator as a member of the United States Senate.

"It is, indeed, a great pleasure for Americans to meet the descendants and fellow-townsmen of La Fayette near his birthplace, and I shall always feel deeply grateful for your cordial welcome, all your generous hospitality, and the opportunity which you have given me and my countrymen of joining with you in doing honor to his memory. Our visit to this beautiful department of France has been one of unalloyed enjoyment, and the many evidences of your affection for and interest in our country will long be remembered with great pleasure.

"If your Senator, the grandson of General La Fayette, will visit the United States, I will promise him that he will be welcomed as warmly as his illustrious ancestor, and by none more warmly than by my charming countrywomen; and it will only be from a lack of courage on his part if a lifelong alliance is not then and there formed between the descendants of La Fayette and Washington.

"I drink to the health of the president of the council-general and Senator of the department of the Haute-Loire, who honors and dignifies the name he bears—Edmond de La Fayette."

No. 140.

Mr. Morton to Mr. Frelinghuysen.

No. 408.] LEGATION OF THE UNITED STATES,
Paris, September 18, 1883. (Received October 2.)

SIR: Your dispatch No. 317, of July 26, 1883, transmitting a letter from Mr. John C. Lowrie, secretary of the board of missions of the Presbyterian Church, in relation to a decree of the French Government enforcing the exclusive use of the French language in the primary schools at Gaboon, instructed Mr. Brulatour to endeavor to obtain a modification of this decree, which could not be strictly enforced without great hardship to the American missionaries in that part of Africa.

With reference to this subject Mr. Brulatour, on August 11, addressed to the minister of foreign affairs the note of which a copy is inclosed herewith, to which Mr. Challemel Lacour has made the answer of which a copy and translation are also inclosed.

Mr. Challemel Lacour states substantially that his colleague, the minister of marine and of the colonies, cannot modify the decree, but that in deference to the desire expressed by the United States Government he will see how far it is possible to tolerate the simultaneous use, with the French language, of local dialects, and that the result of this examination will be made known hereafter.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 408.]

Mr. Brulatour to Mr. Challemel Lacour.

LEGATION OF THE UNITED STATES,
Paris, August 11, 1883.

SIR: I am instructed by my Government to call your excellency's attention to the facts stated in the letter herewith inclosed from Mr. John C. Lowrie, secretary of the board of foreign missions of the Presbyterian Church, in relation to a decree of the French Government concerning primary schools at Gaboon, and to ask if it would not be possible to relieve the mission from the embarrassment it will suffer from its application.

The object of the decree is to enforce the use of the French language in that part of Africa. Now the self-sacrificing American citizens, men and women, who are engaged in the benevolent labor of extending the benefit of Christian education amongst the natives of Africa, have learned that, to make this teaching effective, it must be imparted in the native language. To this end, the best talent and greatest experience of the mission have been given to the work of translating and compiling text-books in the vernacular languages of the country, but the American missionaries make use of the native languages only because it is absolutely necessary to their special object.

The enforcement of the decree above mentioned will evidently embarrass the prosecution of the self-imposed task of these worthy persons in leading into civilization the nations whom they are endeavoring to educate.

"It would seem," says Mr. Frelinghuysen, in the dispatch he has addressed to me on the subject, "that a mild application of the decree would lead sooner to the result aimed at by France than a strict and literal enforcement of its provisions, and that by first educating the natives in their own tongue and training their minds by study in a dialect familiar and easy to them, the way would be prepared for acquiring the French language more easily and with less distaste to the pupil than were his untrained mind immediately directed to the study of a foreign tongue."

I am therefore instructed to submit the matter to your excellency, "with a view of obtaining any concessions which may properly be granted modificatory of the decree, and which may relieve the hardships otherwise to be suffered by the agents of the board of foreign missions of the Presbyterian Church, in a work which cannot fail to obtain the approval and sympathy of the French Government."

I avail, &c.,

E. J. BRULATOUR,
Chargé d'Affaires.

[Inclosure 2 in No. 408.—Translation.]

Mr. Challemel Lacour to Mr. Morton.

PARIS, *September* 12, 1883.

SIR: Mr. Brulatour, by his note of August 11 last, communicated with my department in reference to an application made to the federal Government by the board of foreign missions of the Presbyterian Church of New York consequent upon a decree rendered by the French Government, and having for object to render obligatory the exclusive employment of the French language in the primary schools of Gaboon. In calling my attention to the difficulties which would result for the American missionaries from the obligation to rigorously submit to the provisions of this decree, Mr. Brulatour asked me whether it would not be possible to moderate them somewhat.

I did not fail to submit the question to my colleague, the minister of marine and the colonies, upon whom depends the administration of Gaboon. While rendering justice to the efforts made by the Presbyterian missions to propagate the benefits of civilization, Admiral Peyron writes to me that it is not possible for him, in principle, to modify the before-mentioned decree.

However, in order to take into account the wish expressed by the Government of the United States in favor of the New York missions, my colleague shows a disposition to examine how far the administration might tolerate the employment of local dialects for teaching simultaneously with the French language, and he informs me that he is consulting the commandant of our colony upon the subject.

I will have the honor to inform you later the result of this examination.

Accept, &c.,

P. CHALLEMEL LACOUR.

No. 141.

Mr. Frelinghuysen to Mr. Morton.

No. 358.] DEPARTMENT OF STATE,
Washington, October 1, 1883.

SIR: Your dispatch No. 403, of the 12th instant, giving an account of the ceremonies which were observed on the occasion of the unveiling of the statue of La Fayette at Le Puy, on the 6th of the present month, has been read with great interest.

Your action in accepting the invitation to be present at the ceremonies as the representative of this country is heartily approved by the President, and he is gratified to learn that the event called forth so many warm expressions of the good will of the people of France towards the Government and citizens of the United States.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 142.

Mr. Frelinghuysen to Mr. Morton.

No. 359.] DEPARTMENT OF STATE,
Washington, October 1, 1883.

SIR: With reference to previous correspondence concerning the international conference for the protection of submarine cables, and particularly with reference to the telegram of the Department of the 21st ultimo, authorizing you and Mr. Vignaud to attend the cable conferences and conclude the convention, I now inclose herewith the necessary full powers in the premises.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Incloses full powers, as above.]

No. 143.

Mr. Frelinghuysen to Mr. Morton.

No. 364.] DEPARTMENT OF STATE,
Washington, October 9, 1883.

SIR: With reference to previous correspondence on the subject, I have to inform you that, in view of the action taken by Germany and several other foreign powers in prohibiting the importation of American pork upon the ground that it is an unhealthful article of food, this Government has now taken measures for such a thorough investigation of the subject as will, it is thought, leave no doubt whatever as to the facts.

To this end, the President has designated a commission, which he has charged with the duty of making a searching and impartial examination of all the conditions of hog-raising and packing industries of the United

States. The chairman of the commission is Dr. George B. Loring, the Commissioner of Agriculture, whose official duties for several years past have made him very familiar with the subject now submitted to the commission for formal investigation.

The other members of the commission are:

1st. Prof. C. F. Chandler, an eminent scientist of New York, who was unanimously selected by the Chamber of Commerce of that city, on account of his peculiar competency for the position;

2d. Eliphalet W. Blatchford, esq., who was nominated by the Board of Trade of Chicago as an intelligent gentleman of the very highest social and business standing, who "is in no way personally interested in the business to be investigated, and is possessed of those characteristics which it is believed will enable him fully, ably, and fairly to co operate with the members of the commission in placing these most important interests in their true position before the Government and through it before the commercial world";

3d. F. D. Curtis, esq., of Charlton, N. Y., recommended by the Department of Agriculture as a gentleman who has given long and diligent study to the history; and,

4th. Prof. D. E. Salmon, of Washington, D. C., nominated by the Commissioner of Agriculture, and well known as one of the most learned and skillful veterinary surgeons in the United States.

This commission will be organized at an early day, and the results of its investigation will be submitted to Congress as soon as practicable.

It appears from Mr. Brulatour's dispatch No. 371, of the 17th of June last, that when he informed the French foreign office of the President's intention to appoint this commission, Mr. Challemel Lacour seemed pleased with the proposal and promised to mention the subject to his colleague, the minister of commerce, and inform the legation of the result. The Department not having as yet been advised as to the decision reached by the French Government in regard to the matter, I will thank you to lose no time in informing the foreign office of the action which the President has now taken in reference to the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 144.

Mr. Morton to Mr. Frelinghuysen.

No. 425.] LEGATION OF THE UNITED STATES,
Paris, October 21, 1883. (Received November 3.)

SIR: Having had recent conversations with the President, the president of the council, and other members of the cabinet with reference to the decree prohibiting the importation of American salted meats, I deemed the present a fitting time to address another dispatch to the minister of foreign affairs, restating the reasons why my Government had expected for a long time the withdrawal of this decree, and asking the early and earnest consideration of the question by the French Government.

I have the honor to inclose a copy of my communication, which I hope will meet the approval of the Department.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 425.]

Mr. Morton to Mr. Challemel Lacour.

LEGATION OF THE UNITED STATES,
Paris, October 20, 1883.

SIR: I beg leave to call again your excellency's attention to the subject-matter of my note of March 23, 1883, representing the injustice of the long standing decree prohibiting the importation of American salted meats.

The conversations I have had the honor to hold with your excellency and other members of the cabinet in relation to the decree had led me to believe that it would have been repealed long ago. I regret to say that it is still in force, and I must add that I fail to see upon what ground a measure so prejudicial to the true interests of two great countries so friendly allied as France and the United States are is so persistently retained.

The present minister of commerce believes it uncalled for. His predecessor openly advocated its repeal in the Senate; the constitutional head of the Government, the president of the council, has publicly declared that he disapproves of it; your excellency opposed it in the Senate chamber. The House of Deputies expressed itself unequivocally in favor of its repeal, and the Senate, while declining by a bare majority to interfere in the matter, left the Government free to take its own course; the Academy of Medicine of France has declared it unnecessary; the board of public hygiene has made the same authoritative declaration, and the great chemist, Mr. Wurtz, who is paramount authority for the whole scientific world, has demonstrated in unanswerable language its absolute inutility.

A moment's consideration will, I trust, satisfy your excellency that, on the ground of public health, it would be much more justifiable to exclude French wines from America than it is to prohibit American meats in France. The French scientific authorities do not contend that the consumption of American meats is dangerous, while they do contend that some French wines are adulterated to an extent prejudicial to public health.

On the one side there is the evidence of the most competent of your learned institutions in such matters, that American salted meats are inoffensive; on the other there is the evidence of your own officials that French wines are manipulated in such a manner as to make them unhealthy.

Yet, notwithstanding the overwhelming weight of such facts, and in spite of the repeated complaints of the French chambers of commerce, and of the earnest representations of the United States, this obnoxious decree has remained standing for nearly three years, and has had the mischievous tendency of alienating from France the powerful commercial interests of our Western States. Your excellency cannot be unaware that the growing dissatisfaction caused by this extraordinary discrimination, only applicable to the United States of all the countries with which France is on friendly relations, against one of the most important products of the United States, is likely to give rise to discussion in the Congress about to convene at Washington which might result in measures which would seriously affect Franco-American commerce in some of its most important branches.

If I call your excellency's attention to these facts it is by no means with the intention of threatening the French Government with retaliatory measures, which, so far as I am informed, are not contemplated by my Government, but simply to show that the interests which are provoked to take such a course could find substantial reasons to support the position.

Believing that the French Government would satisfy itself that the decree was issued under a misapprehension, and cheerfully abrogate it, neither the Government nor the Congress of the United States, notwithstanding the constantly increasing pressure of public opinion, has taken any action with reference thereto.

I cannot doubt that your excellency will, upon a review of the evidence in your possession, concur with me in the opinion that the results of the searching investigations conducted by competent officers of both countries, have clearly established the unfounded and erroneous character of the statements regarding the alleged unwholesome quality of American hog products upon which the issue of the prohibitory decree was based.

I avail, &c.,

L. P. MORTON.

No. 145.

Mr. Frelinghuysen to Mr. Morton.

No. 377.] DEPARTMENT OF STATE,
Washington, November 9, 1883.

SIR: Referring to Mr. Brulatour's dispatch No. 382, of the 1st of August last, in regard to the application of Mr. Eugene Albert Verdelet for a certificate or attestation from this Government that he, the applicant, has maintained his American nationality up to the present time, I have now to state that the question has been carefully considered. The material facts upon which the application is based appear to be that Verdelet *père*, the father of Eugene Albert, was born in France, resided in this country thirty-five years, and in 1853 became a citizen of the United States by naturalization. In 1859 he returned to his native country, and continued to reside there until his death, which occurred in 1874. In 1862 Eugene Albert, the present applicant, was born at Bordeaux, France. He has always resided in France, has never been in the United States, and expresses no intention of ever coming here to reside, although, he says, property interests may render it necessary for him to visit the United States at some future time.

A passport is the usual form in which this Government attests the nationality of citizens of the United States to a foreign Government. Under the circumstances of Mr. Verdelet's case it is considered that he is not entitled to a passport, and consequently that he cannot justly claim a certificate in any other form attesting the fact that he has maintained American nationality.

You will inform Mr. Verdelet of the conclusion thus reached by the Department in respect to his application.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 146.

Mr. Morton to Mr. Frelinghuysen.

No. 441.] LEGATION OF THE UNITED STATES,
Paris, November 10, 1883. (Received December 1.)

SIR: Referring to your telegram of September 26, authorizing Mr. Vignaud and myself to attend the conference for the protection of submarine cables, and also to your No. 359 of October 1, inclosing our formal powers to negotiate, conclude and sign the same subject to the ratification of the President of the United States, by and with the advice and consent of the Senate, I have the honor to send herewith a joint report of Mr. Vignaud and myself reporting our action in the conference, and transmitting a copy of the convention as signed on the 26th of October.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 441.]

Messrs. Morton and Vignaud to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,
Paris, November 10, 1883.

SIR: The second session of the international conference for the protection of submarine cables was opened at Paris, on the 16th of October last, in one of the large halls of the French foreign office. The states represented were thirty-three in all.

Switzerland and Guatemala were not present this year. Persia was not represented last year, but was present at this conference.

Mr. Cochery, in resuming the chair, explained that the convention signed the 2d of November, 1882, had met the approval of all the states parties to it, but that some of them had proposed certain modifications and additions, which it was now the object of the conference to examine and decide upon.

The conference proceeded at once to its task, each article of the draft convention being read in its order and taken up.

Articles I, II, III, and IV were approved without any change. In Article V some verbal alterations were made at the suggestion of Great Britain. Articles VI and VII were also approved without any changes.

To Article VIII the British delegates proposed to adhere conditionally; that is to say, if it was supplemented by such international agreements as may sufficiently provide for the case, not governed by the proposed convention, of a person injuring, within territorial waters, any cable within the definition contained in Article I, and afterwards escaping from the particular territorial jurisdiction to that of another state, a party to the convention. "This object," said Her Majesty's delegates, "will not be completely attained if the provisions made for it are limited to the case of the offender being a subject of the state in which he is found. An Englishman destroying a cable between France and England, in French waters, might, *e. g.*, escape to Portugal or Belgium. Such a case might be provided for by an extradition agreement, if that were found practicable, or by a special penal law, making such an offender punishable, without distinction of nationality, in the country where he may happen to be. On principle, extradition would appear to Her Majesty's Government to be the better way of meeting the case."

But this suggestion, though well founded in justice, was liable to two serious objections. First, it violated this principle of international law, that offenses committed in one country, or in its territorial waters, are only amenable to the courts of that country; and second, it referred to a subject foreign to the object of the convention, which had only to deal with offenses committed on the high seas. It was therefore agreed that the suggestion of Great Britain would be made in the shape of a recommendation of the conference to the powers signing the convention.

It will be found in that form at the end of that convention, with the two other recommendations agreed upon in the last session.

Article IX was ratified without any change.

Article X, which is relative to the means of verifying offenses against the convention, gave occasion to an important debate. The British Government, considering the wording of this article as too vague and uncertain, had proposed as a substitute an article authorizing the officers of the ship verifying infractions to the convention to exact the production of papers establishing the nationality of the offending vessel, and also to search such vessel, if necessary, to obtain evidence of its guilt.

This article, which the British cabinet communicated in advance to the different Governments represented at the conference, had been assented to by Denmark and the Argentine Republic.

Although we had not received from the Department any intimation bearing upon the subject, we deemed it our duty to oppose the article in its main feature before we were aware of the views of other powers, but in so doing we were careful to state that we were not acting under instructions. We added, however, that should the proposition of Great Britain be confined to its first part, giving the right to exact the production of papers showing the nationality of an offending vessel, we would accept it.

In presence of the almost unanimous opposition made to their proposition, the British delegates withdrew its objectionable clause, and asked that the remaining part and the original text of Article X be referred to a committee of arrangement, which committee reported the next day the article as it now stands.

Articles XI, XII, XIII, XIV, and XV were adopted without modification. The British delegates had proposed, at first, an amendment to Article XV, the object of which was to make the enforcement of the convention by each contracting state conditional upon the necessary powers being given by the proper legislative authority of that state. But this amendment was withdrawn after a short debate, as it appeared to be open to many objections.

All the articles of the draft-convention having been received and their wording fixed definitively, except the 16th and last, which is purely formal, the British delegates submitted to the conference two additional articles, one relative to the position of the contracting parties in case of war, the other stating that the stipulations of the convention were not applicable to certain English colonies, but could be made applicable to them upon notice being given in a stated time.

It was suggested at first that this last article should be annexed to the convention in the shape of a protocol, because the English colonies were not independent states, but the commissioners of Canada having remarked that the British colonies differed

from others in this, that they were political communities governing themselves, the article was accepted as presented, but with the understanding that when the convention should be signed diplomatically its proper place would be determined.

The other proposition of Great Britain caused a long and earnest debate, which occupied nearly the whole of the last sittings of the conference. It was in the following terms:

"The high contracting parties further agree that the present convention shall not be obligatory as regards any power if and whilst it is engaged in war, provided that notice has been given by such power to the other powers of its withdrawal during the time of war.

"The convention shall remain in force as between these other powers unless terminated as provided in Article XV."

To understand the full bearing of this proposition it is necessary to recall here a declaration submitted last year to the conference by England herself, which, after being assented to without any objection, was ordered to be printed in the journal of the sitting.

It was made by the first British delegate, Mr. Kennedy, and reads as follows:

"In order to avoid all possible misunderstanding, I think it would be useful to declare formally, before reading the project of convention, that this convention for the protection of submarine cables which we are going to submit to our respective Governments, will be applicable only during peace."

We did not, last year, interpret this declaration as meaning that in case of war between two of the contracting powers the convention would cease to be binding upon all countries parties to it; we could not imagine that from the moment Costa Rica, for instance, would open hostilities against Uruguay the convention would cease to be binding upon the United States and all the other Governments parties to it. But others did, and although Mr. Kennedy himself declared emphatically that he never had any such intention, the president ruled the language of the declaration was liable to this construction.

It was, therefore, to remove this misunderstanding, and to establish plainly that a belligerent could release himself from the obligation imposed by the convention, without impairing these obligations for all the non-belligerent parties to the convention, that England proposed the additional article above mentioned.

With this explanation it would seem that no reasonable objection could be made to the article, and, indeed, it met the approval of nearly the whole of the conference. But unfortunately the German delegate could not be persuaded to accept it. He declared we had been convened to make a convention for time of peace, and that he could not consent to any article having in view a possible state of war. If we insisted, he said, upon such an article being introduced in the convention, he could neither sign it nor recommend it to his Government. He intrenched himself in that position, from which nothing could draw him out. With the hope of conciliating him the refined scholars of the French delegation tried to turn the difficulty by shaping the proposition differently, but he resisted the temptation of their adroit language. The sense of the conference was taken and found to be overwhelmingly against him, but he was not moved. Finally, as he would not yield to us we had to yield to him. The British delegates withdrew their proposition, but announced that their Government would bring the subject diplomatically before the high contracting parties.

Nothing remaining for examination but the sixteenth and last article, it was so modified as to state that the ratification would be exchanged within one year from the day of the signature, meaning thereby the final signature of the instrument itself.

A protocol was then framed stating that the members of the conference had met on the 26th of October, 1883, to revise the project of convention signed on the 2d of November last, and that having examined the remarks made by different states, they had agreed upon the project of convention which they engage themselves to recommend to their respective Governments for ratification.

It was also agreed upon, 1st, that the draft we were about to recommend was final. It cannot be revised again. The Governments to which it is submitted in its present form will have to accept it as it is or reject it. 2d, that the signature of the instrument would take place three months after the signature of the protocol.

We signed this protocol on the 26th of October, and as our powers are to that effect we shall also sign the instrument itself at the expiration of the delay above mentioned, unless otherwise instructed.

We retain the original paper bearing our signature and those of our colleagues, as it still awaits the signature of the minister of Persia, who is at present too ill to give it, but send a printed copy of both the protocol and convention, with the English translation of the same, as agreed upon with the British delegates.

If we had not daily hoped that the Persian minister would have been able to sign, this report would have been made earlier. Apologizing for this unavoidable delay,

We have, &c.,

LEVI P. MORTON,
HENRY VIGNAUD.

[Inclosure 2 in No. 441.—Translation.]

International conference for the protection of submarine cables.

PROTOCOL.

The undersigned, delegates of the United States of America, Germany, the Argentine Republic, Austria-Hungary, Belgium, Brazil, Canada, China, Costa Rica, Denmark, the Dominican Republic, Spain, the United States of Colombia, France, Great Britain, Greece, British India, Italy, Japan, Mexico, Nicaragua, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, San Salvador, Servia, Sweden, Turkey and Uruguay, assembled at Paris, on the 16th of October, 1883, for the purpose of revising the draft-international-convention for the protection of submarine cables beyond territorial waters, and the recommendations annexed to the protocol signed at Paris on the 2d of November, 1882.

As the result of their discussions with regard to the observations offered by several states, they have drawn up the draft convention and the recommendations which are annexed to the present protocol, and which they undertake to recommend for adoption to their respective Governments.

Done at Paris the 26th of October, 1883.

United States:

L. P. MORTON.
HENRY VIGNAUD.

Germany:

OTTO DAMBACH.

Argentine Republic:

M. BALCARCE.

Austria-Hungary:

PEREIRA.

Belgium:

LEOPOLD ORBAN.

Brazil:

Viscount DE NIOAC.

Canada:

CHARLES TUPPER.

China:

MACARTNEY,
TCHING-TCHANG.

Costa Rica:

MANUEL PERALTA,
SOMZÉE.

Denmark:

KNUTH.

Dominican Republic:

EMANUEL DE ALMEDA.

Spain:

LUCAS MARIANO DE TORNOS,
EUSEBIO LOPEZ Y ZARAGOZA.

United States of Colombia:

JOSÉ TRIANA.

France:

AD. COCHERY,
CLAVERY,
BERGON,
L. RENAULT,
FELIX DUPONT.

Great Britain:

C. M. KENNEDY,
C. CECIL TREVOR.

Greece:

C. CRIÉSIS,

British India:

J. U. BATEMAN CHAMPAIN.

Italy:

AVARNA DI GUALTIERI.

Japan:

F. MARSHALL.

Mexico:

E. VELASCO.

Nicaragua:

BAILLE.

Norway:	Dr. O. J. BROCH.
The Netherlands.	BARON DE ZUYLEN DE NYEVELT.
Persia:	——— ———.
Portugal:	DE ANDRADE CORVO, CAMILLO DE MORAES.
Roumania:	ODOBESCO.
Russia:	Prince ORLOFF.
San Salvador:	J. M. TORRÉS CAICEDO.
Servia:	J. MARMOVITCH.
Sweden:	T. W. STAAFF.
Turkey:	MISSAK.
Uruguay:	JUAN J. DIAZ.

Draft-convention.

PREAMBLE.

The high contracting parties, desiring to insure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention for the purpose, and have named, &c.

ARTICLE I.

The present convention applies outside territorial waters to all legally established cables landed on the territories, colonies, or possessions of one or more of the high contracting parties.

ARTICLE II.

It is a punishable offense to break or injure a submarine cable willfully or by culpable negligence, so as to interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The high contracting parties undertake that, on granting a concession for landing a submarine cable, they will insist upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been or may be adopted by mutual agreement among the high contracting parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless fishing vessels which see or are able to see a telegraph ship exhibiting the said signals, shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time she shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see or are able to see the buoys, showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one-quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable, shall receive compensation from the owners of the cable.

To be entitled to such compensation a statement, supported by the evidence of the crew, must, whenever possible, be drawn up immediately after the occurrence, and the master must, within twenty-four hours after arriving at his destination, or on next putting into a port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of infractions of the present convention are those of the country to which the vessel on board which the offense was committed belongs.

It is moreover understood that in cases where the provisions in the previous paragraph cannot apply, offenses against the present convention will be dealt with in each of the contracting states in accordance, so far as the subjects and citizens of those states respectively are concerned, with the general rules of competence prescribed by the municipal laws of that state or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V, and VI of the present convention shall be instituted by the state or in its name.

ARTICLE X.

Offenses against the present convention may be verified by all means of proof allowed by the laws of the country of the court of competent jurisdiction. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be indorsed upon it immediately. Further formal statements of the facts of any offense may be prepared by the said officer whatever may be the nationality of the vessel on board of which the offense has been committed. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered as evidence in the country where they are adduced in accordance with the laws of that country. The accused and the witnesses shall have the right to add or to have added thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures for insuring the execution of the present convention, and especially for punishing by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V, and VI.

ARTICLE XIII.

The high contracting parties will communicate laws already made, or which may hereafter be made, in their respective countries, relating to the object of the present convention.

ARTICLE XIV.

States which have not signed the present convention may adhere to it on making a request to that effect. This adhesion shall be notified diplomatically to the Government of the French Republic, and by the latter to the other signatory powers.

ARTICLE XV.

The present convention shall be brought into force on a day to be agreed upon by the high contracting parties.

It shall remain in force for five years from that day, and unless any of the high contracting parties have announced twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of four years, and so on from year to year.

If one of the signatory powers denounce the convention, such denunciation shall have effect only as regards that power.

ARTICLE XVI.

The present convention shall be ratified, and the ratification exchanged at Paris, with as little delay as possible, and, at the latest, at the expiration of a year after the signature thereof.

ADDITIONAL ARTICLE.

The stipulations of the present convention shall be applicable, in conformity with Article I, to the colonies and possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely, Canada, Newfoundland, the Cape, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New Zealand: provided always, that the stipulations of the present convention shall be applicable to any of the above-named colonies or possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at Paris to the French minister of foreign affairs.

Each of the above-named colonies or foreign possessions which may have acceded to the present convention shall be at liberty to withdraw from it in the same manner as the powers parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris to the French minister for foreign affairs.

RECOMMENDATIONS.

The conference recommends that the different Governments should decide in what case or under what conditions the persons guilty of breaking or of injuring submarine cables either on the high seas or within territorial waters shall be punished or surrendered if they have escaped from the jurisdiction of the competent authorities.

The conference further recommends that the powers should agree as soon as possible upon the adoption of signals to be exhibited by vessels laying or repairing submarine cables, with a view of avoiding all doubt as to the nature of their operations.

The conference recommends finally that the different Governments should take measures to cause the direction of submarine cables to be indicated by beacons placed on the coasts, and that, by international agreement, a uniform type of beacons and buoys should be adopted for the submarine telegraph service.

No. 147.

Mr. Frelinghuysen to Mr. Morton.

No. 379.] DEPARTMENT OF STATE,
Washington, November 13, 1883.

SIR: I inclose for your information a copy of Mr. Schuyler's dispatch, dated the 19th ultimo, and its accompaniment, respecting the prohibi-

tion by the Hellenic Government of pork products coming from America, adding, what will be particularly noted by you, that Greece offers no reason for this action save the precedent established by France.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 148.

Mr. Morton to Mr. Frelinghuysen.

No. 445.] LEGATION OF THE UNITED STATES,
Paris, November 15, 1883. (Received December 1.)

SIR: I called yesterday on the president of the council, who, in the absence of Mr. Challemel Lacour, has charge of the foreign office, to inquire if the Government had come to a conclusion as to the time of the withdrawal of the decree prohibiting the importation of American salted meats. Mr. Jules Ferry opened the subject pleasantly, by saying that he knew the object of my visit, but that, unfortunately, he was yet unable to give me a satisfactory answer, as the execution of his purpose had been interfered with by the extraordinary epidemic of trichinosis which had lately appeared in Germany.

"The unusual and alarming character of this epidemic," said he, "is such that the committee of public hygiene has felt bound to devote to its examination more than it expected at first. I am satisfied," he continued, "that the consumption of American meats has nothing to do with this epidemic, but as we cannot cancel our prohibitory measures without encountering a strong opposition, we must be prepared to meet all the objections which might be made to our action."

I stated very frankly to him that the reason of my anxiety for a prompt solution of this so long pending difficulty was a telegram which I had received from you, asking for definite information on the subject, which might be used by the President in his forthcoming message. I explained again the reasons which made it important to reach a satisfactory solution before the meeting of Congress, when the subject would no doubt come up for discussion, the necessity for which I was very anxious to avoid, and I urged him to press the solution of the question. He promised to do so, in emphatic terms. "In the mean time," he added, "you can state to your Government that the French Government is animated by a strong desire to give to this question a most liberal solution, and at the earliest possible moment." I inquired, "May I expect action before meeting of Congress?" He said "Yes."

I have, &c.,

LEVI P. MORTON.

No. 149.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 452.] LEGATION OF THE UNITED STATES,
Paris, November 29, 1883. (Received December 13.)

SIR: As I had the honor of informing you by my telegram of yesterday the official journal of this morning publishes a decree repealing that of February 18, 1881, by which the importation of American pork was *prohibited* in France.

The French packers were so much interested and so persistent in obstructing this long-expected measure that I feared the withdrawal of the prohibition might be coupled with some kind of inspection which would practically restrict its effect, but the decree removes the prohibition without any conditions. A circular of the minister of commerce, addressed to the prefects, informs them of the decision taken, and simply advises them to see that the pork offered to the public is fully cured, and to recommend to those making use of such meats that they should be well cooked, as it is scientifically and experimentally established, says the minister, that thorough cooking and salting destroys trichinosis when it exists.

Thus the position taken in this matter by the legation and maintained in repeated communications, written and verbal, is at last officially admitted as correct by the French Government.

In view of the information conveyed in your dispatch No. 379, of November 13, I informed Mr. Schuyler of the withdrawal of the decree. * * *

I deem it proper to avail myself of this occasion to express my high appreciation of the valuable assistance rendered and cordial co-operation of Mr. Vignaud in the long pending negotiations, as in all other matters, now so satisfactorily terminated by the withdrawal pure and simple of the prohibitory decree at a time when the current of public sentiment elsewhere in Europe appears to be running in a different direction.

I inclose herewith copy and translation of both the decree and the circular.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 452.—Translation.]

DECREE OF NOVEMBER 27, 1883.

The President of the French Republic, upon the report of the minister of commerce, considering the conformable opinion of the consultative committee of public health of France, dated the 26th November, 1883, decrees:

ARTICLE 1. Is, and shall remain, annulled, the decree dated the 18th of February, 1881, which prohibits on the territory of the French Republic the importation of salted pork of American origin.

ART. 2. The minister of commerce and the minister of finance are instructed, each so far as it may concern him, to execute the present decree, which shall be inserted in the *Journal Officiel*, and published in the *Bulletin des Lois*.

Done at Paris the 27th November, 1883.

JULES GRÉVY.

By the President of the Republic:
The minister of commerce,

CH. HERISSON.

The minister of finance,

P. TIRARD.

[Inclosure 2 in No. 452.—Translation.]

CIRCULAR FROM THE MINISTER OF COMMERCE.

PARIS, *November* 27, 1883.

MONSIEUR LE PRÉFET: A decree of the President of the Republic of the 27th of November has just annulled the decree of the 18th February, 1881, which prohibits on the entire territory of the French Republic the importation of salted pork coming from the United States.

This decree, which has for object to restore to consumption a much esteemed article of food among the working classes, will not efficaciously attain the end in view unless

all requisite precautions for the preservation of public health are taken in the use of this meat.

The consultative committee of public hygiene of France, to whom I referred the question, undertook a minute examination of the subject, from which it results that preserved pork loses all serious danger of infestation of trichinosis if it is salted with care, and if the brine in which it is deposited is of good preparation. You should therefore recommend to the municipal authorities, who have more especially in their attributions, the supervision of articles of food, to examine with the greatest care whether these conditions are entirely carried out as far as concerns salted pork put up for sale in their commune, and not to hesitate to seize and destroy that which, from an imperfect degree of saltness, may appear to them unfit for consumption.

The committee has ascertained besides, both scientifically and by experimental means, that trichinosis, when it exists in pork, is entirely destroyed by complete cooking, and that all danger will disappear for the consumer if, conformably to our well-known culinary habits, this meat is not eaten raw or rarely cooked.

You will please therefore bring this important particular to the knowledge of those under your jurisdiction by all the means of publicity at your disposal.

I beg you will acknowledge receipt of the present circular, and give your careful attention to the execution of the directions contained therein.

Receive, &c.,

The minister of commerce,

CH. HERISSON.

No. 150.

Mr. Frelinghuysen to Mr. Morton.

No. 400.] DEPARTMENT OF STATE,
Washington, December 13, 1883.

SIR: The action of yourself and Mr. Vignaud, as delegates to the international conference for the protection of submarine cables, as reported in your dispatch No. 441 of the 10th ultimo, is approved by the Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

No. 151.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, September 27, 1882. (Received September 30.)

SIR: I have already had the honor of corresponding at different times with your Department in relation to the approaching meeting of the conference which is to take place in Paris for the protection of submarine cables, with the assurance on the part of my Government of its desire to see the United State represented in this conference, in which delegates from the great European powers will take part.

Agreeably to the desire expressed by the Assistant Secretary of State, my Government hastened to send me a memorandum containing the concise abstract of the questions which will probably be deliberated

upon in the conference which will reassemble in Paris the 16th of next October.

This memorandum is as succinct as possible, the Government of the Republic having considered that it was not its part to fix upon the details of the programme of the labors of the conference. It confines itself to the proposition which it has submitted to the different maritime states to give the interpretation of the desire expressed by the congress of electricians in the month of September, 1881.

The conference remains free to give to its deliberations more or less length, yet, in the opinion of the Government of the French Republic, deliberations should be restricted to the protection of the cables in time of peace.

The conference being called and harmony established in formulating and sanctioning conditions in an international act, it would be expedient that among the delegates of each state there were some who would be furnished with full powers from their Governments.

The president of the council of ministers hopes that, after having taken cognizance of the aforesaid memorandum which was remitted to the Assistant Secretary of State on the 23d of this month, the Government of the United States, in whose co-operation he attaches the highest value, will be represented at the projected meeting.

In view of the approaching date of this meeting, I would thank you to inform me as soon as possible of the decision which the Federal Government has made, also the names of the delegates appointed, so that I can transmit them by telegraph to my Government, which has so desired.

Accept, &c.,

TH. ROUSTAN.

[Inclosure 1.—Translation.]

Mr. Roustan to Mr. Frelinghuysen.

LEGATION OF FRANCE,
Washington, September 23, 1882. (Received September 23.)

Communication to the honorable Secretary of State of the United States of a memorandum containing a brief notice of the questions which will be the object of the deliberations of the conference for the protection of submarine cables.

The conference will meet at Paris, October 16, 1883.

The memorandum in question is as succinct as possible, the Government of the French Republic considering that it is not in its province to fix in a detailed manner the programme of the proceedings of the conference, its duties being limited, in the proposition which it has submitted to the different maritime states, to acting as the interpreter of the desire expressed by the congress of electricians in the month of September, 1881.

The conference is free to give to its deliberations as little or as much extent as it sees fit; at the same time, in the opinion of the Government of the French Republic, the deliberations should be restricted to the protection of cables in time of peace.

The conference in question being called—if an agreement is established—to formulate and consummate the conditions in an international act, it is suitable that among the delegates of each state there should be some provided with the full powers of their governments.

[Inclosure 2.]

MEMORANDUM.

WASHINGTON, *September* 22, 1882.

1. Protection of submarine cables, including: (*a*) Causes of destruction. (*b*) Cases in which injury to cables is a punishable offense; cases in which there may be extenuating circumstances; cases in which owners of vessels which have sacrificed an

anchor or a net in order not to injure a cable may be entitled to an indemnity. (c) Determination of the officers or agents who are to verify the damage. (d) Designation of the competent courts. (e) Penalties. (f) Means of execution.

2. Protection of vessels engaged in laying and taking care of cables, including: (a) Provisions for the avoidance of collisions at sea. (b) Examination of the privileges which it may be possible to accord to vessels designated to perform the work of laying cables. (c) Conditions necessary to secure the protection of buoys designed to show the position of cables, in case of derangement or rupture. (d) The sanction or guarantee which it would be well to give to these provisions.

3. Conditions of existence of the cables as regards one another, including: (a) Examination of the rights of the first occupant. (b) Fixing of the conditions on which a second cable may be placed upon a first one. (c) Obligations to be fulfilled as regards the repairing of cables placed in juxtaposition with each other, or one upon another.

No. 152.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, October 9, 1882. (Received October 10.)

Mr. SECRETARY OF STATE: You kindly communicated to me on the 7th instant that the United States Government proposes to take part in the conference for the protection of submarine telegraphic cables which will meet at Paris, and that it has designated Mr. Morton, United States minister at Paris, and Mr. Henri Vignaud, secretary of legation, to represent it at this conference.

I am grateful to you, Mr. Secretary of State, for having so promptly given me the opportunity to apprise my Government concerning the intentions of the federal Government, and I hasten to communicate them to the department of foreign affairs. I have the satisfaction to announce to you that, according to a telegram that I have just received, the principal powers have signified their adhesion to the conference.

Accept, &c.,

TH. ROUSTAN.

No. 153.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, November 20, 1882. (Received November 21.)

Mr. SECRETARY OF STATE: Since the treaty of Bardo placed Tunis under the protectorate of France the Government of the Republic has given its attention to introducing in the states of the Bey administrative institutions which may assure to that country and its inhabitants the advantages of civilization. Among the most original reforms in order to attain this end is the reorganization of justice. It becomes necessary to create in Tunis French tribunals, following the model of those in France, and administrative justice conformable to French laws. This new procedure, which will go into operation from the first of January next, will, therefore, present the same guarantees of impartiality and of good justice as the tribunals of the mother country and of Algiers.

It is, however, important, to the end that it may yield all its advantages, that strangers established in the regency should not invoke, in order to withdraw themselves from French jurisdiction, the privileges and usages which exist in Mussulman countries in favor of Christians. It will be necessary to that end for the foreign powers to renounce any claim on behalf of their citizens and subjects to the benefits of consular jurisdiction, to which jurisdiction they are at present submitted.

In acquainting you with this situation of affairs, I should add that my Government would be happy if the Cabinet at Washington would kindly lend its aid to facilitate making such a renunciation. The operation of courts will assure besides to the citizens of the United States an administration of justice preferable from many points of view to that which they have hitherto found at Tunis.

Several powers have already shown themselves disposed to renounce the benefits of consular jurisdiction in behalf of their citizens and subjects from the day when we shall offer them in the states of the Bey the guarantees of French justice.

It is, moreover, only the application of a practice constantly followed whenever territories where consular jurisdiction was formerly in effect have passed under the suzerainty of a Christian state, and the Government of the United States will, I hope, kindly take into account the considerations which I have had the honor to set forth to you, by adopting, with regard to Tunis, the practice already established there by several precedents in other countries.

Accept, &c.,

TH. ROUSTAN.

No. 154.

Mr. Frelinghuysen to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, November 23, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, wherein you acquaint me with the proposed extension of French judicial tribunals and procedure to the territory of Tunis from the 1st of January next, and ask that this Government renounce (as other powers have done), in view of this change, any rights it may have, or have had, to exercise consular extraterritorial jurisdiction within the states of the Bey under treaty or usage in non-Christian countries.

Inasmuch as the consular jurisdiction in Tunis, to which you refer, is expressly commanded by a statute of Congress, the renunciation of that jurisdictional right does not appear to be a matter within the control of the Executive of the United States, and it will therefore be necessary to lay the subject before Congress at its approaching session, and ask for appropriate legislation thereon.

Meanwhile, as the consulate of the United States at Tunis has been suspended, owing to the withdrawal of the appropriation for its maintenance, and as there is consequently no officer of the United States in that region empowered by law or treaty to act judicially, it is not likely that any question of jurisdiction affecting American interests there will arise pending the awaited action of Congress.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 155.

Mr. Roustan to Mr. Frelinghuysen.

[Extract.—Translation.]

LEGATION OF FRANCE,
Washington, November 23, 1882. (Received November 24.)

Mr. SECRETARY OF STATE: The international conference for the protection of submarine cables, which recently met at Paris, has just terminated its labors. Before breaking up, its members prepared a draft of a convention and gave expression to the desires which they have engaged, by a protocol signed at the closing session, to submit to their respective Governments for examination. * * *

The French Government would be glad if the agreement thus prepared by the delegates of the various states could be finally adopted with as little delay as possible, and has assumed the task of receiving adhesions.

I will thank you to inform me whether the United States Government feels disposed to authorize its representative at Paris to sign the instrument, the draft of which has probably already been submitted to you by Mr. Morton, and I will transmit the decision of the Washington Cabinet to Mr. Dulcert as soon as you shall have made it known to me.

Accept, &c.,

TH. ROUSTAN.

No. 156.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, June 4, 1883. (Received June 5.)

Mr. SECRETARY OF STATE: I had the honor, in my note of the 20th of November last, to refer to the desire felt by the Government of the Republic that the Washington Cabinet should facilitate the working of the French courts in Tunis by renouncing the benefit of consular jurisdiction in the regency in behalf of American citizens.

Since that time, a court of first instance and one for the maintenance of peace, established by the French Government, have been sitting in the states of the Bey. I have the honor herewith to transmit to you, by order of my Government, the text of the law organizing French courts in Tunis, that of the decree of the Bey authorizing the exercise thereof, and that of two sets of regulations, one of which has reference to the appointment of associate judges in criminal cases, and the other to the establishment of the districts of justices of the peace. It will be sufficient, Mr. Secretary of State, for you to read these documents in order to be able to form a correct idea of the judicial organization recently established in the regency, and to convince yourself that it secures to American citizens all the judicial guarantees that they can claim in civilized countries. The minister of foreign affairs therefore hopes that the Government of the United States will have no objection

to settling with the French Government a question that now seems to be merely one of pure form, inasmuch as the consular jurisdiction of the United States was abolished at the same time as the United States consulate-general in the regency; the majority of the European powers have, moreover, raised no obstacles to the settlement of this question.

Accept, &c.,

TH. ROUSTAN.

[Inclosure 1.—Translation.]

Law concerning the organization of French courts in Tunis.

The Senate and Chamber of Deputies have adopted, and the President of the Republic has promulgated, the following law:

ARTICLE 1. A French court and six justices of the peace shall be established in the regency of Tunis.

The court of first instance shall sit at Tunis; the justices of the peace shall sit at Tunis, at Goletta, at Bizerta, at Sousa, at Sfax, and at Keff.

The district in which the court shall have jurisdiction shall embrace the entire regency. The district of each justice of the peace shall be determined by a decree to be issued with the advice and consent of the council of state.

If the necessities of the judicial service shall require it, other courts of first instance and other justices of the peace may be appointed by regulations which shall determine what territory their jurisdiction shall comprise.

ART. 2. These courts shall be dependent upon the court of Algiers. They shall have jurisdiction in all civil and commercial cases between French citizens and French protégés. They shall likewise have jurisdiction in all suits brought against French citizens and French protégés for violations of law, misdemeanors or crimes.

Their competence may be extended to all other persons by orders or decrees of his highness the Bey, rendered with the consent of the French Government.

ART. 3. Justices of the peace shall have, in civil and penal cases, the same extended competence that is determined by the decree of August 19, 1854. Nevertheless, justices of the peace sitting in a town where there is a court of first instance shall have this extended competence only in personal actions, or actions relative to personal property in civil or commercial cases; in all others they shall exercise their ordinary competence, as determined by the laws and decrees in force in Algeria.

ART. 4. The court of first instance shall have final jurisdiction in personal actions and actions relating to personal property in which the amount involved does not exceed 3,000 francs, and in actions relating to real estate in which the amount involved does not exceed 120 francs of income. In cases tried for the first time, its competence shall be unlimited. It shall have original jurisdiction in all cases in whic justices of the peace do not have jurisdiction in accordance with the foregoing article.

In criminal cases it shall have final jurisdiction in all cases defined as crimes, with the assistance of six associate judges, who shall have a vote, and who shall be drawn from a list which shall be prepared every year in a manner to be determined by an executive regulation. If the accused party, or one of the accused parties, is a French citizen or a French protégé, the associate judges shall all be French citizens.

ART. 5. Cases shall be brought to the cognizance of the court having jurisdiction in criminal cases by an order of reference issued by the chamber of indictments of the court of Algiers, according to the provisions of the code of preliminary criminal examination; its decisions shall be rendered in the same manner as decisions in cases of misdemeanors.

ART. 6. The court, assisted by associate judges, as provided in Art. 4, shall hold its sessions every three months at such times as shall be appointed by ministerial order.

ART. 7. With the exceptions provided for in the foregoing articles, the rules of procedure and of criminal examination which are determined by the laws, decrees, and ordinances in force in Algeria, shall be applicable to the courts established in Tunis.

ART. 8. The time allowed for summonses and appeals shall be fixed according to the royal ordinances of April 16, 1883.

Nevertheless, if the party summoned is not a resident of Tunis, the time allowed for obedience to a summons shall be:

For parties living in other countries, either in Europe or on the shores of the Mediterranean and the Black Sea, two months.

For parties living beyond these limits, five months.

ART. 9. When there is occasion for the publication of legal notices, they shall be printed in one of the newspapers designated for this purpose by order of the minister resident of France at Tunis, and if they shall appear in any other newspaper they shall be null and void.

ART. 10. The provisions of the ministerial order of November 26, 1841, relative to the office of defender, and the provisions of the decrees and orders concerning the discharge of the office of bailiff in Algeria, shall be likewise applicable in Tunis. Nevertheless, French citizens and foreigners who shall, at the time of the promulgation of this law, be engaged in the practice of the legal profession in Tunis, and who shall, within one month from the date of said promulgation, have addressed to the minister resident a request to be allowed to represent the parties before the court of Tunis, may, after the opinion of the court given in the chamber of the council (the attorney of the Republic having been heard), be permitted, by decree by way of exception, to act as defenders before that court.

ART. 11. The court at Tunis shall consist of a presiding judge, three actual judges, two judges to fill vacancies, one attorney of the Republic, and one clerk. One of the judges, who shall be appointed by the ministry of justice, shall act as examining judge. The number of the judges and substitutes may be increased, and assistant clerks may be appointed by decrees issued in the form of executive regulations.

ART. 12. The justices' courts shall consist of one justice of the peace, of one or more justices to fill vacancies, and one clerk. An officer of the judicial police shall act as public minister.

ART. 13. Interpreters shall be attached to the courts and justices of the peace.

ART. 14. The decrees providing for the appointment and removal of magistrates, ministerial officers and interpreters shall be issued on motion of the keeper of the seals and minister of justice.

ART. 15. The magistrates composing the courts established in Tunis, the clerk's assistants, and the interpreters attached to these courts, shall be subject to the laws and regulations governing the Algerian jurisdiction. The conditions of age and capacity as regards appointments shall be the same that are required in Algeria for the discharge of the same functions. Their salaries shall be fixed according to the table appended to this law.

ART. 16. The office of notary shall continue to be discharged in the regency by French consular officers until said office shall have been organized by an executive regulation.

ART. 17. The tariff of costs in civil and criminal cases shall be fixed by an executive regulation. Until the promulgation of the said executive regulation, the courts shall observe the tariffs in force in Algeria.

ART. 18. All provisions concerning consular jurisdiction, applicable in the regency of Tunis, are hereby abolished so far as they may conflict with the foregoing provisions.

ART. 19. This law shall take effect three days after its publication in the official journal of the Tunisian Government.

This law, having been considered and adopted by the Senate and Chamber of Deputies, shall be executed as a law of the state.

Done at Paris, March 27, 1883.

JULES GRÉVY.

By the President of the Republic:

The minister of foreign affairs,

CHALLEMEL LACOUR.

The keeper of the seals, minister of justice and worship,

F. MARTIN-FEUILLÉE.

Table appended to the law providing for the organisation of French courts in Tunis, fixing the salaries of magistrates and judicial officers in Tunis.

COURT AT TUNIS.

	Francs.
Presiding judge	12,000
Examining judge	8,800
Judge	8,000
Judge to fill vacancies	2,400
Attorney of the Republic	12,000
Substitute	8,000
Clerk	4,000
Assistant clerk	3,000
Interpreter	3,400

JUSTICE COURT.

	Francs.
Justices of the peace	5,000
Clerk	3,500
Interpreters	3,000
Officer of judicial police	3,500

Examined in order to be appended to the law of March 27, 1883, the said law having been considered and adopted by the Senate and Chamber of Deputies.

The President of the French Republic,

JULES GRÉVY.

By the President of the Republic:

The minister of foreign affairs,

CHALLEMEL LACOUR.

The keeper of the seals, minister of justice and of worship,

F. MARTIN-FEUILLÉE.

[Inclosure 2.—Translation.]

DECREE OF THE BEY OF TUNIS, DATED MAY 5, 1883.

By our decree of the 10th Djoumadi El Tam, 1300, we have promulgated in the regency the French law of March 27, 1883, establishing French courts in Tunis. We have heard that several friendly powers, whose consuls, in virtue of capitulations and treaties concluded with our predecessors, have been invested with certain judicial powers, are willing to renounce this privilege, if their countrymen become amenable to the French courts recently established.

Article 2 of the law of March 27, 1883, allows us to extend the competence of these courts with the consent of the French Government.

Having secured that consent, we hereby issue the following decree:

SOLE ARTICLE.

Subjects or citizens of friendly powers, whose consular courts shall be abolished, shall be amenable to the French courts in the same manner as French citizens.

[Inclosure 3.—Translation.]

DECREE RELATIVE TO THE APPOINTMENT OF THE ASSOCIATE JUDGES OF THE COURT AT TUNIS FOR CRIMINAL CASES.

The President of the French Republic, in pursuance of the report of the keeper of the seals, minister of justice and worship; in view of Article 4, paragraphs 3 and 4, of the law of March 27, 1883, providing for the organization of French courts in Tunis, the council of state having been heard, hereby decrees as follows:

ARTICLE 1. The general list of associate judges shall be composed of 150 names, and shall be divided into distinct classes: The first class shall contain the names of the French associate judges; the second, the names of the foreign associate judges; the third, the names of the native associate judges. The number of the associate judges of each class shall be 150.

ART. 2. These lists shall be prepared by a commission, which shall be composed as follows:

As regards the appointment of French associate judges: 1st. of the minister resident of France in Tunis or of his representative, president; 2d, of the presiding judge of the court; 3d, of the attorney of the Republic; 4th, of the consul-general of France, or, if there shall be none, of an officer designated by the minister of foreign affairs; 5th, of the first deputy of the nation.

As regards the appointment of associate judges of foreign nationalities: 1st, of the minister resident of France at Tunis or his representative, president; 2d, of the presiding judge of the court; 3d, of the attorney of the Republic; 4th, of two notables, who shall be designated by the representatives of the foreign powers.

As regards the appointment of native associate judges: 1st, of the minister resident of France in Tunis or his representative, president; 2d, of the president of the court; 3d, of the attorney of the Republic; 4th, of two officers or notables, who shall be designated by a decree of his highness the Bey.

ART. 3. Two copies of the list shall be prepared, one of which shall be deposited with the clerk of the court, and the other shall remain among the archives of the residence [legation?]. The lists shall be permanent until they are renewed.

ART. 4. The list of the French associate judges shall be prepared so soon as this decree shall have been promulgated. Those of the foreign and native associate judges shall be prepared when orders or decrees of his highness the Bey, issued with the consent of the French Government, shall have extended the competence of the court to the subjects or citizens of other powers or to natives. The commissioner appointed in pursuance of Art. 2 shall be convoked every year by the minister resident of France, during the month of December, in order that they may renew the list of associate judges.

ART. 5. The first list prepared in pursuance of these regulations shall remain in force until the 31st of December following The list subsequently prepared shall remain in force from January 1 to December 31 of each year.

ART. 6. The associate judges shall be chosen among persons at least thirty years of age, and of well-known respectability and standing.

ART. 7. The office of associate judge shall not be held by any French or foreign officer in Tunis, by any person actively engaged in the military or naval service, or by any Tunisian civil or military officer. Domestics or servants shall not be appointed associate judges.

ART. 8. One month at least before the opening of each criminal session the presiding judge of the court shall draw by lot in the chamber of the council, from the general lists, and at the rate of ten from each class, the names of the officers who shall be called during the said session to complete the number required by the court.

ART. 9. The six persons whose names shall have been drawn first from the list of the first class shall be designated as associate judges for the next session. The four others shall, according to the order of drawing by lot, replace such associate judges as may have died and such as may furnish evidence of inability to act owing to absence or sickness, or as may have been sentenced to punishment on account of a crime or misdemeanor since the renewal of the list, or who may be undergoing a criminal prosecution.

If the accused or one of the accused is a French citizen, the associate judges or their substitutes shall sit as assistants of the court. If the parties accused are of foreign nationality, the presiding judge of the court shall summon to sit with the three French associate judges the three foreign associate judges whose names shall have been drawn first from the list of the second class.

If the parties accused are natives, the presiding judge of the court shall likewise provide for the replacement of the last three French associate judges by the addition of the three native associate judges whose names shall have been drawn first from the list of the third class. If of the parties accused some are foreign and others natives, the last three French associate judges shall be replaced by two foreign associate judges and one native associate judge in the order of the drawing by lot.

Provision shall be made for the replacement of such foreign or native judges as may have died, or be absent, sick, condemned or under prosecution, by the summons of the associate judges designated after them by lot and in the order of the drawing.

ART. 10. The names of the associate judges who shall have acted as such during one session shall not be inserted in the other lists to be drawn during the current year.

ART. 11. The keeper of the seals, minister of justice and worship, shall have charge of the execution of this decree.

Done at Paris, April 14, 1883.

JULES GRÉVY.

By the President of the Republic:
The keeper of the seals, minister of justice and worship,
F. MARTIN-FEUILLÉE.

The President of the French Republic, in accordance with the report of the keeper of the seals, minister of justice and worship, in view of the law of March 27, 1883, providing for the organization of French courts in Tunis, and the appointment of six justices of the peace to sit at Tunis, Bizerta, Goletta, Keff, Sousa, and Sfax, the council of state having been heard, hereby decrees as follows:

ARTICLE I. The jurisdiction of the justices of the peace of Tunis shall comprise the military district of Tunis, except that part of this district which is reserved to the justice of the peace of Goletta, and the military districts of Aïn-Tonga and Zaghouan. The district of the justice of the peace of Bizerta shall comprise the military district of Bizerta, the sub-district of Mateur and the district of Beja.

The district of the justice of the peace of Goletta shall comprise that part of the district of Tunis which is situated between the sea and a determinate line drawn through Ramart, Aonina, Oued Méliana, and the limit of the district of Zaghouan. The district of the justice of the peace of Keff shall comprise the military district of Aïn-Drahm, Ghardi maou Keff, and the sub-district of Feriana. The district of the justice of the

peace of Sousa shall comprise the military districts of Sousa, Kaiouan, Mahadia, and of Hamada.

The district of the justice of the peace of Sfax shall comprise the military district of Sfax Djilma, Mahares, Gabes, El-diacha, the sub-district of Tozeur and the districts of Gafsa and Djerba, Ksar, Mousenim.

ART. 2. The keeper of the seals shall have charge of the execution of this decree.

Done at Paris, April 14, 1883.

JULES GRÉVY.

By the President of the Republic:

The keeper of the seals, minister of justice and worship,

F. MARTIN-FEUILLÉE.

No. 157.

Mr. Frelinghuysen to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, July 3, 1883.

SIR: With reference to previous correspondence on the subject, I have the honor to acknowledge the receipt of your note of the 4th ultimo, giving an account of the provision which has been made for the administration of justice in Tunis, and requesting in consequence the abandonment of the claim to extraterritorial privileges for American citizens in that country.

In reply, I have to inform you that this matter is now pending in Congress, and that your note and its accompanying papers will be submitted at the next session.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 158.

Mr. Denaut to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, September 12, 1883. (Received September 13.)

SIR: At the closing session of the international conference for the protection of submarine cables and on the proposition of the Swiss minister, the French Government was charged to reunite the adherents of the different cabinets to the plan of convention, the terms of which their commissioner had drawn up. Since that time seventeen States have agreed to sign the projected convention, and other Governments, although not having yet given a formal answer, appear to be disposed to enter into this international agreement.

In view of this state of things, the Government of the Republic thinks the moment has come for the adhering powers to consummate by a diplomatic act the agreement of which the draft was elaborated last November.

It would appear, therefore, opportune for the international conference to meet again in Paris, the date of this convention to be fixed for Monday, the 15th of next October.

It is to be understood, however, that the discussion should be rigorously limited to the special points and accessions which have been the object of observations or reservations. On the other hand, Governments should furnish their representatives in Paris, either one or several of their delegates to the conference, full necessary powers to give to the question a definitive solution and proceed without further delay to the signing of the convention.

I would thank you, Mr. Secretary of State, to inform me if your Government is disposed to accept the proposition of the French Government to convoke the conference, and if it will appear, in this case, of the date of the 15th of October next for this meeting.

Accept, &c.,

H. DENAUT.

No. 159.

Mr. Frelinghuysen to Mr. Denaut.

DEPARTMENT OF STATE,
Washington, September 22, 1883.

SIR: I have to acknowledge the receipt of your note of the 12th instant, informing the Department that your Government had determined to reconvene the conference upon the subject of protection to submarine cables, for the purpose of concluding the project of a convention drawn up in November last, and, in recognition of your accompanying request, to signify the concurrence of this Government in the contemplated reunion upon October 15 next.

The delegates of the United States have accordingly been instructed to-day by telegraph to attend the conference and conclude the proposed convention, and that pending the receipt of formal full powers, which will be duly forwarded, they will act upon the authority of their cable instructions.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 160.

Mr. Denaut to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, December 3, 1883. (Received December 5.)

SIR: I have the honor to transmit to you herewith twenty copies of the proceedings of the sessions of the international conference for the protection of submarine cables which my Government has charged me to send to the federal Cabinet.

I am invited, at the same time, Mr. Secretary, to respectfully call your attention to the fact that the delegates of the thirty-two states which have taken part in the conference, have considered as definitive the text of the document emanating from their deliberations, not, doubtless, that it would occur to them to not recognize the right of amendment which

belongs to their respective Governments, but in view of the safety of the interests concerned; and discussion having been closed on all points by the exhaustion of contradictory arguments, the conference has judged that it would not be able to make use of this right without retarding and even compromising the putting in execution of the protective measures which it has decided, by the study of new amendments in favor of which it would hereafter be impossible to reobtain unanimous assent.

It is in this belief that, by a resolution attached to the proceedings of the eleventh session, a delay of three months was fixed, at the expiration of which it would proceed to the signing of the projected convention.

The Government of the French Republic does not doubt that the Cabinet at Washington will be disposed to furnish, in this delay, its representative at Paris with the full necessary powers, and I will thank you to communicate to me its decision.

Accept, &c.,

H. DENAUT.

No. 161.

Mr. Frelinghuysen to Mr. Denaut.

DEPARTMENT OF STATE,
Washington, December 6, 1883.

SIR: Acknowledging the receipt of your note of the 3d instant, transmitting copies of the proceedings of the second session of the international conference for the protection of submarine cables, and expressing the hope that the project may not be amended by this Government, but that full powers may be given to the American delegates to sign the treaty, I have to inform you that this Government has no desire to hamper the conclusion of the treaty by any suggestions or amendments, but is prepared to sign it on the day fixed.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

GERMANY.

No. 162.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 74.] LEGATION OF THE UNITED STATES,
Berlin, November 6, 1882. (Received November 25.)

SIR: I have the honor to state that there is renewed agitation in Germany against the introduction of American pork, and I am informed that a bill has been prepared, with the Emperor's approval, to be submitted at the forthcoming session of the Reichstag, as a Government measure, to prohibit the importation of all American pork, including hams and live animals. Heretofore adverse action has only extended to sausages and chopped meat. This was excluded on the ground that

it contained trichinæ, and from its nature, being hashed, these could not be detected in it. These articles of trade were excluded on the ground that the public health required it, and could not be otherwise guarded. * * * American pork enters into competition with the domestic article, and very largely, and is afforded much cheaper than the domestic article can be. * * * The proposed law does not, as I am informed, proceed upon the theory that American pork is put in disguised forms, in which ordinary care would not detect disease, but assumes that all American pork and swine are dangerous from disease, and the task of discrimination among them is useless trouble. So far as I have been able to learn up to this time, American lard is not among the prohibited articles, although it embraces a large item in our exports to this country. Whether it will finally be excluded depends in some measure upon the power of the interests adversely affected by it. * * *

This exclusion of a great article of American product comes just at a time when trade reports show an unexampled export of German manufactured articles to the United States.

American competition is a sore point in Germany, and qualifies to some extent the views entertained here of America. Although we are large customers of the mass of German products, many of ours, including some manufactures, as well as wheat, &c., bear hard on certain interests here, and cause a clamor for special relief. This cannot always be granted without an appearance of unfriendly discrimination against a friendly power. * * *

Of course this bill is now only proposed. There are interests here opposed to its enactment. Hamburg, Bremen, Stettin are largely concerned in the commercial aspects of the matter. They will be injured by the stoppage of the carrying trade in American pork. Merchants dealing in this article in its various forms will object. Some of the newspapers call attention to the fact that there would be reasons to regret the adoption of such a measure in that it would render meat dearer to the mass of people and restrict the consumption of meat by the poor. I inclose an article from the Tageblatt of the 3d instant, in which this view is taken, and wherein the cheapness of American pork in comparison to that raised here is given as a reason why the poor should have a chance to buy it. It also believes it yet unproven that the American article is so unwholesome as to justify its exclusion. I shall keep watch of this matter and further report to you its progress.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 74.—Extract from the National Zeitung of November 2, 1882.—Translation.]

We are informed that, with the Emperor's approval, the draft of a bill looking to the prohibition of the importation of American swine, pork, and sausages has been laid before the Bundesrath. The reasons given for this measure are the frequent cases of trichinosis, as well as the prevalence among the pigs of an epidemic disease which is alike dangerous to man and beast, and it is for these reasons that the imperial Government deems it expedient to prohibit their importation in the future.

[Inclosure 2 in No. 7.—Extract from the Berlin Tageblatt of November 3, 1882.—Translation.]

Should this prohibition go into effect we should have cause to regret it, for the reason that it would result in making meat dearer to the mass of people, or even restrict them in its consumption. American meat undoubtedly is, and always was, cheaper than the domestic article, and the claim that it is unwholesome is not sufficiently proven to justify its exclusion from our market.

No. 163.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 77.] LEGATION OF THE UNITED STATES,
Berlin, November 13, 1882. (Received December 4.)

SIR: I have the honor, referring to my dispatch of November 6, being No. 74, referring to the exclusion of American hogs, pork, and lard from Germany, to now inclose two very exhaustive articles from the Berlin Tribune of the 10th and 11th instant, with careful translations. The articles present very fairly the effects which the proposed exclusion would have upon the trade of Germany, and upon the subsistence of the poorer classes, and prove by irrefutable facts that the clamor against these productions is born of prejudice. * * * The articles are written in admirable temper, and it is to be hoped will have weight in showing to the German statesmen and public the truth in a matter so important to the interests of both countries.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 77.—Extract from the Berlin Tribune of November 10 and 11, 1882.]

THE PROHIBITION ACT.

I.

An imperial decree was lately laid before the imperial Diet (Bundesrath) regarding the prohibition of the importation of pigs, pork, and sausages from the United States. As regards American sausages, they were excluded from importation some time ago. This prohibition seems justifiable on the ground that the nature of this article of food renders an inspection difficult, whereas it is very easy in the case of pigs and pork. It would be hard to conceive why our meat supply from this quarter should encounter such opposition, if we ignored the fact that a more or less artificial agitation against the importation of American meat had been set on foot long ago. It is only too apparent that this agitation is more in the interest of our cattle breeders than of our poorer classes. Our farmers fail to understand that the development of our industries entails a constantly increasing demand for food from foreign sources to supply the people engaged in them. From a grain-exporting country we have finally become a grain-importing country, and we are likewise obliged to import a constantly increasing quantity of meat, the home supply having become inadequate to meet the demands of our growing population. This applies to all Europe, but more especially to Germany. Although the actual number of live stock has greatly increased in the last fifty years, the relative number has materially diminished. In 1830 there were in Europe 70½ million beeves, 164 million sheep, and 42½ million swine; in 1875 there were 88½ million beeves, 191 million sheep, and 43½ million swine, the latter number, as will be seen, having remained almost unchanged. The relative number of live stock, on the other hand, gave to every 1,000 inhabitants in Europe—

Years.	Beeves.	Sheep.	Swine.
1830	328	764	197
1880	310	682	156

Still more remarkable is the disparity between the increase of the population and the increase of live stock in Germany. Whereas the population in the German

Empire in 1860 was 37.7 millions, and in 1870, 40.8 millions (about 10 per cent. increase), the number of live stock has increased only as follows:

Years.	Beeves.	Sheep.	Swine.
1860	14,999,194	28,016,769	6,462,572
1873	15,776,702	24,994,406	7,124,088

According to these statistical results our importation of cattle and animal products will have to be increased year after year. The annual statistics for the German Empire show that there were, for instance, in the year 1861, 548,737 pigs imported; in 1880, almost twice that number, *i. e.*, 1,104,321. The past year this number was still further increased by the importation of sucking pigs to 1,272,816, whereas the exportation amounted to 804,867 head.

It can, therefore, no more be a question whether or not we are to import meat products, but from which source we can draw the best and cheapest article. Whereas formerly Russia and Austria-Hungary supplied the German markets with cattle, America, which, is sending its enormous meat products to all Europe, has now also entered the lists with these States in Germany. For several years already a regular line of ships has been organized for the transportation of live stock to England. As yet Germany is supplied principally with salted and corned beef, lard, and pork only. The United States are, by reason of their enormous wealth in cattle, peculiarly adapted to supply Europe with meat, to give us from their superabundance what we lack. In a comparatively short time the exportation of fresh meat in ships supplied with refrigerators has assumed astounding proportions. In 1875–'76 the export of fresh and salted meats amounted to 36¼ million pounds, valued at $3,000,000; from 1878–'79, 54,000,000 pounds of fresh meat, valued at $4,800,000; and of salted meat 37,000,000 pounds, valued at $2,300,000. According to official statistics there were in 1878 in the United States:

Total for every 1,000 inhabitants:

Beeves, 30,523,400 653
Sheep, 35,740,500 764
Swine, 32,262,500 690

With this natural wealth is combined the advantage of a very good quality. The manner of fattening cattle in the extensive fields of ripening corn on which the cattle are driven, makes it possible for the Western farmer to raise cattle and render the meat of a quality which cannot be attained in any other manner. In this manner the cheapness of the meat is explained. According to Neumann and Spallart, the best quality of beef brought 11 to 12 cents per pound in New York. The exportation of pork products (meat, hams, pork, and lard) has been the most extensive. In 1879 it reached the following enormous figures: 1,081,892,318 pounds, estimated at $77,356,947, but in 1880 these figures were exceeded by 1,326,157,330 pounds, valued at $100,799,414.

It is only too apparent that the importations of such quantities of meat for the European markets will tend to lower the price and bring it within the reach of the poor classes. Under all circumstances the supply of the European markets with American meat has become a real blessing to our poor people, whose standard of life has been materially improved. When in February of last year the French Government prohibited the importation of American salted pork the price of meat rose in the following month in the seaports 25 per cent.; so also poultry and other animal food (see official report of Consul Bridgeland in Havre, July, 1881). It is now proposed to decree a similar prohibition in the German Empire.

If, therefore, we oppose this measure we do so solely because the prohibition of the kind proposed will rob the poorer classes of the means of procuring cheap and wholesome nourishment, and sink them to a lower grade of subsistence. Lard, for instance, has become an important and extensively used article of food only through the American import; whereas German lard was formerly and is still a luxury. In 1870 American lard cost 70 marks per 100 kilograms (200 pounds); German lard 160 marks. At present the comparative prices of lard are 125 marks and 145 marks per 100 kilograms. In 1881 and the first half of 1882 Westphalian and Oldenburg hams cost 1.05 to 1.10 pfennige per pound; American hams 60 to 64 pfennige. At present German hams cost 1.05 to 1.10 pfennige; American 63 to 63½ pfennige per pound.

None the less these advantages would not weigh with us if it could be proven that the imported American meats, as far as the pork production is concerned, are injurious to health. In that case we would urge the exclusion of American meats as

strenuously as we would in the case of Russian and Austro-Hungarian produce. But we could not, after a careful inquiry into the matter, discover that it was based on anything more than an unfounded prejudice and a superficial knowledge in the premises, premising, however, that the agrarian interests formed no part of the question. In a second article we shall enter more into the details of this question.

II.

At the time the abolition of the duty on lard was discussed in the Reichstag the director of the ministry, the present secretary of state, Burchard, declared that "trichinæ cannot be detected in lard, but lard can be made from pigs infected with diseases, and any one who has given the subject any attention knows that a disease prevails or prevailed to a large extent among the pigs in America, which was called the hog-cholera. Fears were openly expressed, and evidence has been obtained to show that these fears were well grounded, that a large number of these pigs were killed and used in the manufacture of lard." We do not know whether the Government has since obtained more plausible reasons to justify the proposed prohibition, but the reasons as given in the above explanation are altogether inadequate. As far as the report of the employment of infected and dead pigs in the preparation of lard is concerned, it may be well to state that at the first appearance of the report, in February of last year, the New York Produce Exchange, foreseeing the danger which threatened the export trade, made representations to the United States Government, which immediately ordered an investigation in the premises. At the instance of the then Secretary of State, Mr. Blaine, Mr. Michael Scanlan, chief of the statistical bureau, made a most searching investigation into the matter at Chicago and Cincinnati, the centers of these industries, the result of which was published in the spring of that year in a pamphlet entitled "American pork; Result of an investigation made under authority of the Department of State of the United States." Mr. Scanlan had received strict injunctions to subject every phase of the pork industry, from the rearing of pigs to the manufacture of the pork products for consumption, to a most minute investigation. Accompanied by a stenographer and experts, he visited the principal breeders of pigs, traders and exporters, packing-houses, cattle-yards, abattoirs, shippers, instituted meetings of those engaged in the trade, subjected them to cross-examination; in short, he fulfilled his mission so thoroughly that we lay down his report to Mr. Blaine (in which all the material was inclosed for his consideration) with the fullest conviction that here a thoroughly competent man has done all that could be done in the matter.

Mr. Scanlan first went to Illinois to investigate the extent of the "hog-cholera." Nobody made a secret of the fact that this disease infected the hogs for several years and caused sad havoc. The department of agriculture of that State published the following exhibit of the losses. (The first figures show the percentage of the hogs that died of the disease; the second proportional weight:)

	Per cent.	Pounds.
1876	17	103
1877	12	104
1878	14	108
1879	6	98
1880	7	104

According to official statistics there were in the State of Illinois for several years past 3,133,557 swine, of which 227,259 died. Whilst on the one hand the percentage of loss during the last five years decreased from 17 to 7 per cent., it was ascertained that, on the other hand, all cases of death were attributed to hog-cholera, even if death had ensued from other causes. A classification of the causes of death was not made, not even in the case of death by accident. It was further ascertained that in the above statistics no difference was made between pigs and hogs. The name "pig" is applied to the sucking pig until it is six months old; it is only after this age that it becomes marketable, and is then called "hog." In Europe this distinction, as made repeatedly by Mr. Scanlan, is unknown, hence the groundless and exaggerated fears. The living weight of hogs marketed is between 250 and 260 pounds, whereas the average weight of the pigs that have died is 103 pounds, which is conclusive evidence that the hog-cholera carries off the sucking pigs. "But the presence or absence of this disease exercises, as has been proven, no influence whatever upon the quality of the hogs sent to market, or upon the quality of the meat obtained from them, because it is utterly impossible to dispose of a hog that died by disease or accident for purposes of consumption."

We have no time to enter into the details of the minute description of the breeding, fattening (in the open air, in corn-fields, and a continual supply of pure water), of the

transportations. Anybody at all acquainted with the subject knows that it is impossible to conduct the whole business in a more rational manner. On the arrival of a shipment of pigs at the cattle-yards "the dead hogs (for in spite of all precautionary measures deaths in the cars through suffocation, exhaustion, and want of water will occur) are taken in charge by the officials of a company, which, by a concession, has the sole right to confiscate all dead animals within the cattle-yards. This company fixes such price as it deems proper to be paid to the owner of such pigs, a price so advantageous to the company that that alone would be a guarantee for the watchfulness of its employés. It is not probable that a dead pig would escape the vigilance of these interested parties." In Chicago the Union Rendering Company is established, having its establishment at Globe Station, near Chicago, where the confiscated dead hogs are boiled down into tallow and grease (white and brown grease); the offal is used for manuring purposes. The grease is sold to soap factories.

There are houses in Chicago which, owing to excellent machinery and other technical arrangements, can kill and prepare 4,000 swine daily. The Anglo-American Packing and Provision Company has packed in the two seasons from March 1, 1880, to March 1, 1881, 1,166,377 hogs; Armour & Co., in Chicago, 1,210,092 head. In all there were packed in that city 5,693,569 head.* This is an exceptionally extensive industry. To assume that an industry which is carried on with such painstaking cleanliness and such order and regularity would expose its interest to the danger of ruining the entire product, by introducing diseased swine, would indicate a total ignorance of the principles underlying its prosperity. The American speculates, but he does not adulterate, for he well knows that he would ruin his trade forever. "To mix and to fix" is better understood in Europe than in America.

Regarding the trichinæ, the report affirms that the inhabitants of America are the greatest pork-consuming people in the world, and that the people in the rural districts eat it two or three times a day, without the slightest fear of trichinæ. Of course, only the most thoroughly boiled meat is eaten. In fact, our habit of eating meat in a raw state is looked upon in France, England, and America as barbarous. Of 40,000 deaths in Chicago only two were traced to trichinæ, and in Cincinnati none have died through this cause for a number of years. The report assumes the percentage of American swine infected with trichinæ, owing to the superiority in breeding and fattening, to be much smaller than the swine in any other part of the world. An obligatory inspection of swine cannot be introduced in a city where daily sixteen to eighteen thousand hogs are slaughtered. An inspector of meat can inspect at the highest only thirty pigs per day, nor so many thoroughly. There is no reason to doubt the thoroughness of this official investigation unless we would doubt the integrity of Mr. Scanlan and the honesty of purpose of the United States Government. This our Government certainly will not do. We may, therefore, inquire, are they cognizant of this investigation? Have they, nevertheless, other reasons for decreeing this prohibition? On reading the remarks made by Mr. Burchard, we are almost compelled to assume that he was specially ignorant of the true state of affairs, and that his assertions were based solely on hearsay. Of course, since the retirement of Mr. Delbrück we are accustomed to see every new economic measure proposed by the Government end in a miserable failure; and on the whole it is not worth the while to devote any serious consideration to such general and superficial remarks as were made in the debate in the Reichstag on the 7th June by the opponents to Mr. Booth's bill.

While on the one hand a prohibition of the importation of American pork would deprive the population of a cheap and nutritious article of food, and destroy the pork and beef trade in the German seaports, the question arises on the other whether it is wise from a commercial point of view to introduce a prohibitive policy towards a country which is purchasing a constantly increasing portion of our manufactured wares. The United States have paid for 257,000,000 marks' worth of German wares between the months of October 1, 1881, to September 30, 1882; that is to say, for about 56,000,000 marks more than in 1880–'81. Will we then insist in forcing them to adopt measures of reprisal, in which we would certainly be the losers, because our exporting interests in America are greater? We fail to see in any quarter any cogent reason for the introduction of a prohibitory measure, for we can scarcely believe that the agrarian interests should alone be the motive for such a measure, for there are too many weighty and general interests involved in the question.

---

*We have in Germany a large packing-house of this kind—J. D. Koopmann, Hamburg—which packs 130,000–140,000 German pigs yearly, exclusively for London.

No. 164.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 79.] LEGATION OF THE UNITED STATES,
Berlin, November 13, 1882. (Received December 4.)

SIR: The spectacle of a nation reducing its national debt by one thousand million dollars in fourteen years, while reducing taxation as well, besides paying all current expenses and a prodigal pension list, is wonderful in European eyes, if not a cause of envy here to statesmen and people. A far different spectacle is presented in Europe, and there are groans from a variety of sources just now, when the annual exhibit of budgets and estimates calls attention to the enormous proportions of national debts, and to various deficits that will appear in the figures despite all official ingenuity. For the first time since the Franco-Prussian war there is a deficit in the Prussian budget that amounts to the serious sum of 30,000,000 marks. Most of the newspapers refrain from commenting upon this disagreeable showing, as if actuated by a wish that the world at large, and especially France, shall not understand that the nation is exceeding its income. This deficit is in the face of a taxation heavy in degree and searching in operation. The servant and capitalist alike, after their kind, contribute to the coffers of the state. The imperial budget comprises the expenditures of the imperial Government, foreign missions, the military and naval departments, the paying of interest upon the imperial debt, and its extinguishment. The income is derived from the stamp tax, customs duty, postal and telegraph departments, railroads, and a matricular contribution estimated according to the population of the several states. Prussia has taken charge of the military budget at the rate of $225 per man annually. Bavaria and Würtemberg, managing their own military affairs, do not contribute to the imperial debt, but make a much larger matricular contribution in proportion to the population than the other states. Bavaria, Würtemberg and Baden have a malt and liquor tax of their own, the proceeds of which do not flow into the imperial coffers, and are therefore excluded from a share in the imperial income. The whole amount of imperial and state debt is about $830,000,000.

The deficit to which I have referred was unquestionably foreseen, and the strenuous efforts to pass the tobacco monopoly bill at the last session of the Reichstag were exerted in the belief that that measure would prevent such a result. Alone among the newspapers I find that the Berliner Politische Nachrichten discusses this gap between the Prussian revenues and expenses, and I inclose its article with translation.

This subject of national debts is one that can hardly be ignored in Europe much longer. It has come to be a question of strength of the public back—what burden can be carried without breaking down the carrier. Wherever an observer looks, the prospect is not assuring. The Russian debt stood at $185,000,000 in 1842, and has grown in forty years to $2,765,000,000. It has increased during the last ten years by $1,205,000,000, and the average annual deficit in the Russian budget is $120,000,000. It is true a large part of the borrowed money has been expended in railways, but these have had a military rather than a commercial end; and as in Germany, where heavy outlays have been made

by the Government for the same object, the railroads have not yielded the expected profit.

The excessive burden assumed by Russia, as above stated, is largely caused by actual wars, or by enormous annual expenditures to keep its military organization to a point of efficiency. In this respect its history is not peculiar. The great strain of taxation all over Europe is due to these causes, and it must be added that Russia is not alone in the fact that its debt weighs upon a people, a vast majority of whom are in a state of chronic poverty. One of two results must follow this condition of things—disarmament or bankruptcy.

But can there be disarmament? The necessity for it is seen by many statesmen, and yet it is safe to say that it is the last remedy to which resort will be had.

* * * * * * *

Is the other alternative, exhaustion and bankruptcy, to be expected? That is a question that this generation must see solved. Thirty years of financial strain like those just passed; thirty more years of military chess-playing in Europe such as have closed, may well be apprehended. The last Turkish war cost Russia £133,000,000, the Crimean war £142,000,000. The powers which opposed her in those wars spent even more, for they fought on her soil.

An article from the Berlin National Zeitung of November 2, which I inclose with translation, charges that the oppressive military burden under which Europe is at present groaning, has been imposed upon it principally by France, which has carried on "a financial war" against Germany, compelling it to keep up great armaments by maintaining one of its own. In the view of this able journal the other European states, and principally Germany, are made to suffer for the military armament of France, and it pregnantly adds:

> If France, made wiser by the present events, should precede Europe in a partial disarmament, a step which Europe would certainly follow, it would not only thereby really place itself at the head of civilization, but protect its present institutions from the dangers of imperialism and socialism. It would also confer an incomparable blessing upon the poorer and suffering portion of Europe. How much good could be done by France and the other states, by the millions which are now swallowed up by the military budget, if a treaty looking to a partial disarmament were agreed upon. If France persists in closing her ears to the warning given to her in the recent [socialistic] disturbances, and continues, by her insensate armament, to exhaust her own power and that of Europe, the danger will certainly sooner or later recoil on her own head.

I doubt if France can be charmed by such arguments into disarming, while other great powers keep up their armaments. Heavily as the pressure bears on rulers and industries, the moment has not yet come when such a treaty as that proposed could be agreed upon or observed.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 79.—Translation.]

Extract from the National Zeitung.

The oppressive military burden under which Europe is at present groaning has been imposed upon it principally by the French Republic. The hope and desire to exhaust Germany financially have been frequently expressed in France by forcing it to constant and heavy military expenses. "The financial war," as it was called, was principally waged against the hated neighbor. The recent disturbances in France plainly show that the sword with which French diplomatists have been playing for years, was a two-edged one. France has burdened herself with a constantly increasing budget which her increasing income even cannot balance. The lion's share of these expenses

falls to fortifications, the army and navy, and foreign enterprises. Little remains for the advancement of the public welfare.

The Republic, in her present martial array, fears the danger of succumbing to Cæsarism within her. The discontent arising from the neglect of the interests of the working classes, the pressure which the heavy, indirect taxes impose upon them, is finding expression in the socialistic anarchist movement, and already voices are heard clamoring for the protection of the sword. French statesmen have fostered these socialistic dangers by their unfortunate military diplomacy.

The other European states, and principally Germany, are made to suffer for the military armaments of France. It is very natural for the working classes to see the cause of all their privations in the course pursued by Gambetta. If France, made wiser by the present events, should precede Europe in a partial disarmament, a step which the rest of Europe would certainly follow, she would not only thereby really place herself at the head of civilization, but would protect her present institutions from the danger of imperialism. It would also confer an incomparable blessing upon the poorer and suffering portion of Europe. How much good could be done by France and the other states with the millions which are now swallowed up by the military budget, if a treaty looking to a partial disarmament were agreed upon. If France persists in closing her ears to the warning given her in the recent disturbances, and continues by her insensate armament to exhaust her own power and that of Europe, the danger will certainly, sooner or later, recoil upon her head.

[Inclosure 2 in No. 79.—Translation.]

Extract from the Berliner Politische Nachrichten.

Ever since the report of a deficit of 30,000,000 marks in the Prussian budget for the coming year has been made public, attempts have been made to explain away, in a most glowing description of the financial condition of Prussia, the cause of this deficit by the myth that twenty-five millions had been appropriated to the purpose of meeting the expenses of a general increase of the wages of officials. In connection with this explanation, it was also dexterously insinuated that this appropriation was the prelude to a general increase of salaries of army officers.

The real cause, however, of the presence of so large a deficit is a very natural one. The current budget is balanced, as has been frequently explained, exclusively by the appropriation of a so-called surplus of twenty-nine millions from the year 1880–'81. For the year 1881–'82, however, a surplus to that amount is altogether out of the question. Nor are we aware that such a surplus is claimed in official sources. We can consider ourselves fortunate if our imperial stamp tax of two to three millions for the second half of the year can be appropriated to the use of the budget of 1882–'83. Furthermore, the guarantee law absorbs many more millions than was the case during the last business year. Then, too, the total income from the law courts, as shown by exhibits made last year, is less, and will be felt in the budget. These three items, which will become apparent at a glance to any unprejudiced mind on studying the question, will show that, in case all the other items are balanced, the cause of the deficit of 30,000,000 is sufficiently explained.

No. 165.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 81.] LEGATION OF THE UNITED STATES,
Berlin, November 20, 1882. (Received December 8.)

SIR: I have the honor to state that the Prussian Parliament was opened on the 14th instant, by the Emperor in person, in the throne-room of the old palace in this city. It was satisfactory to observe that the health of the aged Emperor was excellent. The spacious room was crowded with deputies and dignitaries, who received the sovereign with

hearty applause. His Majesty read the opening speech, which contained some remarkable passages. I inclose a copy and translation.

After a graceful greeting of the lately chosen representatives of the popular will, and thanks for the loyalty towards the Hohenzollern house displayed on the occasion of the birth of his great-grandson, he passed to business considerations. He ascribed the increased activity of industries to the trade legislation of the imperial Government, which increased duties on certain imports, and to the general favorable result of harvests, and thought the hope warranted that there would be a continued development of the welfare of all classes of the people.

He next adverted to the disproportion between the means and the needs of the Government, which had caused a deficit which must be met by a loan, and by the adoption of remedial measures insuring larger revenue. He ascribed the failure to the repeated rejection of the financial measures of the Government by the Reichstag, and said it was so considerable that it cannot be covered unless new sources of revenue are opened up; and that recourse must be had to the public credit. Alluding to the delay in meeting the views of the Government in financial matters, he declared that in one respect this time-wasting course could not be followed—the relief of the poorer classes of the population from the burden of the class tax must, in his opinion, be accomplished without delay. It was his wish to see a speedy stop put to the harsh and oppressive distraints connected with the levying of this impost. A bill for the complete abolition of the four lowest grades of the class tax should therefore be at once presented to the Parliament, and the gap thus occasioned would also have to be otherwise filled up.

He alluded to the railway system inaugurated by the Kingdom, and expressed confidence and hope for its future, while recommending the construction of further important lines, for which a bill would be laid before them. He also stated that a bill would be submitted providing for cutting the first section of a canal designed to unite the large rivers in the western part of the Kingdom, also one remedying certain defects of administration.

It is unusual to allude to foreign affairs in the Prussian Diet, but the Emperor took the occasion to express his satisfaction that the relations of the Empire with all powers warrants the belief that the blessings of peace are assured. The restoration of diplomatic relations with the Roman Curia he referred to as follows:

> The re-establishment of diplomatic intercourse with the Roman Curia, has, I am glad to say, helped to fortify my friendly relations with the supreme head of the Catholic Church, and I cherish the hope that the conciliatory disposition which my Government will never cease to manifest, will also exercise favorable influence on our ecclesiastico-political relations. Meanwhile, on the strength of existing laws, and the discretionary powers conferred upon it, my Government continues to extend to the ecclesiastical demands of my Catholic subjects such indulgent considerations as is consistent with the general interest of the state and the nation.

After expressing the hope that the legislation of the session would be for the public good, he uncovered his head and withdrew, being saluted with cheers as he departed. The speech was listened to with attention, and there was some applause as he recommended the abolition of the four lowest grades of the class tax, which have hitherto brought about 15,000,000 marks. His statement of the foreign relations of the Empire was also applauded.

There are several topics of interest covered by this suggestive speech. The proposition to reduce taxation in the face of a deficit necessitating other taxations and a national loan is remarkable. But the humanity

of the particular reduction cannot well be contested. It is only a question whether it can be permanently made.

There is a Prussian state income tax on all incomes from 420 marks upwards. The tax upon incomes of 3,000 marks and upwards is called simply "income tax." The tax upon all incomes under 3,000 marks is called "classified income tax," or, shortly, "class tax." The former (the income tax) is 3 per cent. The latter (the class tax) is a fixed amount for each twelve grades of income under 3,000 marks. The twelve grades are as follows:

Grades.	Incomes.	Tax.
	Marks.	*Marks.*
1	420 to 660	3
2	660 to 900	6
3	900 to 1,050	12
4	1,050 to 1,200	15
5	1,200 to 1,350	18
6	1,350 to 1,500	24
7	1,500 to 1,600	30
8	1,600 to 1,800	36
9	1,800 to 2,100	42
10	2,100 to 2,400	48
11	2,400 to 2,700	60
12	2,700 to 3,000	72

The first four classes, viz., incomes from 420 to 1,200 marks (say of from $100 to $300) are proposed to be stricken off.

To the first class belong 2,709,972 tax-payers; second class, 1,031,007 tax-payers; third class, 342,191 tax-payers; fourth class, 279,347 tax-payers.

The aggregate product of all four classes is 19,916,280 marks. Under an existing dispensation of the Government, one quarter in amount of these taxes is now remitted, so that the state treasury will lose by their total abolition the annual sum of 14,937,210 marks.

The minister of finance, in submitting the new budget to the Prussian House of Deputies, referred to this measure of relieving the first four classes of the classified income tax, and intimated that it is contemplated to make good the resulting loss in revenue by taxing the sale of liquors and tobacco. The bills for this end were not submitted, somewhat to the disappointment of the deputies, and the budget speech was therefore somewhat deprived of interest.

The minister gave the deficit at about 32,000,000 marks, which must be covered by a loan, and alluding to the flush days of the French indemnity milliards, somewhat facetiously said the era of milliards had returned, since the budget exceeds the sum of a milliard, and reaches 1,089,583,205 marks. He considered it a favorable circumstance that now, for the first time, Prussia receives 3,800,000 marks as her portion of the surplus imperial revenue, and has no longer to contribute to the treasury of the Empire. The interest payable on the national debt would have to be increased by 18,000,000 marks, so that April 1, 1883, the debt of the nation would be 2,640,000,000 marks. To this must be added a fourth sum of 1,860,000,000 marks, to be issued in treasury bonds in consequence of the nationalization of railways. The total debt of the nation would come up to 4,682,000,000 marks. He looked to the Empire to help the various states to gradually improve their finances.

The financial showing of the minister would seem to be sufficiently grave, in view of the failure of the Government to carry through the tobacco monopoly measure at the last session of the Reichstag, and of the indisposition of that body to enhance the tariff duties.

The paragraph in the Emperor's speech in relation to railways under Government management is remarkable in view of the fact that the returns therefrom have not met general expectation. It is true the warlike Emperor has the military significance of these great engines in view, and is animated by the spirit that inspires the written constitution of the Kingdom, which enjoins upon the Government the duty of creating and fostering the system. His Majesty probably views with especial favor the grand facilities which so enhance the defensive or offensive forces of the Empire, and therefore desires their extension where still incomplete. I understand the passage in the speech to point to the construction of new lines towards Russia, the use of which, in case of war with that country, need not be pointed out. Nevertheless there is reason for disappointment at the low estimate of the surplus from the state railways. The surplus was expected to reach 21,000,000 marks, against which stands an increased expenditure of 18,000,000 marks as interest on the state debt, arising from the acquisition of railways, as I have remarked above. The petty resulting surplus will be used undoubtedly by the opposition as an argument against state acquisitions of railways, in that such meager results have been obtained in the recent prosperous times, and under excellent conditions for railroad success, that large deficits may be expected with duller times, and with the burden of less favorably situated roads contemplated as part of the system.

In this connection it may be added that the Government claims to be actuated by a desire to further the general interests of the people and th e public comfort rather than gain a revenue from the roads. In the latter respect it has indeed accomplished much. Whatever criticism may assail the policy of the Government in the acquisition and management of railways, I have not the least doubt it will be persevered in.

I infer from the speech from the throne, and the budget speech, that the Government has not relinquished its financial measures, so strongly pressed and signally defeated at the last session of the Reichstag, and that attempts will be made, also, by an increase of indirect taxation and heavier import duties, to fill up the chasm between the income and outgo of the public treasury. One argument of the opponents of the financial projects of the chancellor was that they were unnecessary. Such a position is untenable in the face of the actual status. Hence the force of the intimation officially made that the reasons which demanded the tobacco monopoly have not disappeared. These reasons are obvious enough, whatever may be thought of the remedy.

The economical condition of Prussia is hardly matter of congratulation after eleven years of peace. Retrenchment, rather than further taxation, would seem to be required, for taxation is now extreme. There is a land tax, house tax, a trade tax, an income tax, and class tax, various stamp taxes, besides the indirect taxes. Considering the leading position of Prussia in the Empire, and of Germany in Europe, there would seem to be some anomaly in so powerful, industrious, and enlightened a nation falling annually behind in its finances, when the finger of taxation so searchingly points out objects of revenue.

The ship-canal mentioned favorably by the Emperor is designed to connect the Baltic with the North Sea, say from Lübeck to Hamburg, so that commerce may be spared the five hundred miles' trip around the peninsula of Denmark. This will be a stupendous work, costing many millions, but of great commercial importance. It will have a serious influence on existing cities, like Hamburg, which now have what might be called vested interests in present currents of trade, and

which might be helped or hurt by changes; and it leaves Denmark on one side, reducing its weight in the commercial world, if not impoverishing it utterly.

The speech from the throne has caused some criticism, and dissent or approval in the press as special interests are affected by its propositions. Thus the Freihandels-Correspondenz of the 16th, a free-trade paper, dissents from the idea that the trade legislation had conduced to prosperous times. It points out that at the close of 1879 there was an increased activity in many industries, the reason for which was increased demand from abroad, and especially America, while the new tariff only went into force January 1, 1880, and could not have caused the prosperity. It traces the revival of business to other causes and denies that protection is of any advantage in Germany or elsewhere.

The Provincial-Correspondenz, a semi-official paper, speaks of the new taxes proposed in the confident tone suggestive of the old adage that "he who puts on his armor should not boast like him who puts it off." According to this sheet there is to be a new trade tax upon the wholesale trade in liquor and tobacco. "In this manner," it says, "a provisional help will be obtained that will cover all deficits in the state treasuries."

The unusual proceeding of stating the condition of the foreign relations of the Empire to the Prussian Parliament excited comment also. The influence of the fact that the Emperor is also the King of Prussia may, perhaps, be traced in the whole speech. It may also account for the growing preponderance of Prussia in the confederacy. * * *

The National-Zeitung is a Liberal organ. In its issue following the Emperor's speech it adverts to this unprecedented light shed on foreign affairs, and says:

It is difficult to suppress the belief that the introduction of a reference to foreign policy into the throne speech, from which it has been so long methodically excluded, is to be regarded as a change in the relative position of Prussia to the rest of the Empire. The assertion of the imperial chancellor that the customs unions had struck deep root into Germany, and that this and Prussia's control in military affairs are principally to be relied on under certain circumstances, is not to be forgotten. We have already been led to refer to the peculiar position assumed by Prussia towards the Empire. The increased importance which the throne speech receives through the reference to the foreign policy would be, in all circumstances, at the expense of the Empire. We therefore express the sincere hope that the foreign policy will be left, except in cases of extreme emergency, where it belongs, to the organs of the Empire.

* * * * * * *

Apologizing for the length of this dispatch on the ground that the interest of the topics suggested by His Majesty's speech might excuse some amplification,

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 81.—Translation.]

Emperor's speech at the opening of the Prussian Parliament.

ILLUSTRIOUS, NOBLE, AND HONORABLE GENTLEMEN OF BOTH HOUSES OF PARLIAMENT: In greeting the joint representation of the monarchy at the opening of a new legislative period, it is my heartfelt desire to again express my thanks through you to my people for the spontaneous expressions of affection and fealty to my house on the occasion of the birth of my great-grandson.

The increased activity among the industries resulting from the trade legislation of the imperial Government, combined with the general favorable results of the harvests, warrant the hope for a continued development of the welfare of all classes of the people.

The disproportion between the needs and means of the state, which for several years back has induced my Government to lay before the imperial Parliament bills for the introduction of new indirect taxes, still exists, owing to the repeated rejection of all these measures, and it is so considerable that it cannot be covered unless some new sources of revenue are opened up.

Even the limited margin to which the budget was restricted for the past year could not be covered without the aid of extraordinary means, and for the expenditures of the coming year, recourse will have to be had to the public credit, the necessary measures for which will be submitted for your approval, together with the budget.

Regarding the further needs of the state, my Government will endeavor, by the introduction of special measures, looking to the lightening of communal and school burdens, and the increase of the salaries of certain officials, in conjunction with other desirable organic innovations, to gain that sympathy and approval for the appropriation law covering the disposition of the surplus from the imperial revenue which have unfortunately until now been withheld. It is to be hoped that these necessities will receive due consideration, and that a budget may be mutually agreed upon, to the end that redressive imperial legislation may with better prospect of success be invoked.

In one direction, however, this time-wasting course cannot be pursued: the relief of the poorer classes of the population from the weight of the class tax must, in my opinion, be accomplished without delay.

It is my desire to see a stop put to the harsh and oppressive distraints arising from the collection of these taxes. A bill looking to the immediate and complete abolition of the four lower grades of class tax, and to the relief from the deficit thereby occasioned will be laid before you.

The system of nationalized railways has now been carried out in most parts of the Kingdom, and justifies, in my opinion, the greatest expectations, based on past results, which may be attached to these great measures. A bill for the construction of further important lines of railways in different parts of the Kingdom will be submitted.

A bill providing for the cutting of the first section of a canal designed to interunite the larger rivers in the western part of the Kingdom, and which was not passed upon at the last session, will be again submitted.

A bill will also be introduced looking to the simplification of the administrative organization in a manner rendered necessary by the exigencies of the times. By this measure, the reforms which have been begun, will be completed so as to permit of their being extended to the entire Kingdom.

A bill will be laid before you for remedying certain defects and hardships resulting from the writs of execution on real property.

It affords me satisfaction to announce that the re-establishment of diplomatic relations with the Roman Curia has been conducive to the strengthening of my friendly relations with the supreme head of the Catholic Church, and I cherish the hope that the conciliatory disposition which my Government will continue to manifest will also in the future exercise a beneficial influence upon the development of our ecclesiastico-political relations. Meanwhile my Government, acting in accordance with existing laws and the powers conferred upon it, will continue to extend to my Catholic subjects such indulgent consideration in ecclesiastical questions as may be consistent with the interests of the state and the nation.

It affords me special gratification to be able to announce to you that the relations of the German Empire to all foreign nations convince me that the blessings of peace will remain assured to us.

Gentlemen, again an extensive field of important work has been opened before you, and I express the hope that this work will, through your co-operation with my Government, also be, in this new session, fruitful of much good.

No. 166.

Mr. Frelinghuysen to Mr. Sargent.

[Extract.]

No. 66.] DEPARTMENT OF STATE,
Washington, November 28, 1882.

SIR: Your dispatch No. 74. of the 6th instant, in which you communicate to the Department the fact that you have received information to the effect that there is renewed agitation in Germany against the

introduction of American pork, and that a bill has been prepared for submission to the Reichstag prohibiting the importation of this important article of our foreign commerce, has been received.

Thanking you for so promptly calling the attention of this Department to the matter, I have to request you to lose no suitable opportunity to oppose the measure and to show that it is groundless and unjust. * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 167.

Mr. Sargent to Mr. Frelinghuysen.

No. 85.] LEGATION OF THE UNITED STATES,
Berlin, December 11, 1882. (Received December 29.)

SIR: I have the honor to state that the following is the draft of the ordinance that has been presented to the German federal council for the prohibition of the importation of American pork products, viz:

1. The importation from America (the United States) of pigs, pork, bacon, and sausages of all kinds is forbidden until further notice.
2. The imperial chancellor is empowered to permit exceptions to this prohibitive rule, subject to the necessary measures of control.
3. The restrictive ordinance of the 25th June, 1880, with respect to the importation of pork and sausages from America, is abolished.
4. The present ordinance comes into force thirty days after its promulgation.

Commenting on the above, the Berlin correspondent of the London Times, usually well informed and impartial, but in this case evidently * * * catching at superficial appearances, has the following, under date of November 30, 1882:

The prohibitive ordinance of June, 1880, above referred to, only applied to the importation of minced pork and sausages, but not to hams, &c., it being supposed that microscopic examination of the latter would secure the exclusion of unwholesome consignments. But it has been found impossible to exercise a rigorous surveillance in this respect, and as it is known that American pigs suffer much more than the German from trichinosis, as well as from the infectious disease called hog cholera, the German Government feels compelled to take effective measures against the introduction of the dreaded germs. It is urged that the commercial and financial importance of the measure is not considerable. Live pigs are not imported into Germany from America in very large numbers, and of hams, pork, &c., only about 3 per cent. of the total national consumption; so that the difference could easily be made up by native breeders, or be derived from other states, such as Russia.

The correspondent accepts, as in good faith, and apparently without personal examination, statements to the prejudice of American pork as compared with the German article, which are totally unfounded, as also that the trade interests involved are very slight.

On the other hand a very strong memorial, in admirable temper, had been presented to the Bundesrath at the time this correspondent sent his dispatch by a committee appointed by a meeting of merchants at Hamburg interested in the American pork trade. This memorial, a copy and translation of which I inclose, shows by facts and irrefutable logic that the pretense that American pork is peculiarly diseased is the result of misinformation, and that the German trade interests in this article are very great.

The basis of this memorial is the report on this whole subject, made in May, 1881, to the State Department. I do not know how fully this report was circulated in Germany, but its conclusive statements are

used with great effect in this memorial, and are proffered by the latter to the minds it is most necessary to influence.

The memorial alleges that the principal danger from pork consumption is from the use of native pork, which cannot be subjected to the inspection which can be applied to the imported article, and points out as a fact that notorious recent cases of infection have arisen from the use of German pork. It has been conveniently assumed heretofore that pork in which trichinæ were found was American, the proof of its being American being that it contained trichinæ. The singular fact is stated that German pork is sold by the producers at higher prices than the imported article, the producers then buying the cheaper American article for their personal use.

The effect on the poorer classes by depriving them of a food necessary for their physical and mental development is well pointed out, and the loss of revenue is shown, amounting to 2,271,480 marks, which must be supplied by taxation on other objects.

It is also shown that the loss to German shipping interests will be enormous, and the loss so occasioned will, in great measure, accrue to England, Holland, and Belgium.

I am more than ever satisfied that there is no real foundation * * * in fact * * * for the assumption that sanitary reasons require this measure of exclusion. Such documents as that I transmit are conclusive to any unbiased judgment. The facts are too well supported, the arguments are too logical, and the illustrations too persuasive to leave a doubt. There is the pressure of the pork raisers in Germany back of the measure of the landed interest that is taxed by the tariff on many articles of consumption, and demands a monopoly in this market, an artificial scarcity, that their goods may be enhanced in price.

* * * * * * *

Singularly just at this moment the German press discusses the message of the President to reduce our import duties, by which it expects a large increase of German exportation to America. That justice requires careful * * * consideration of American claims has not apparently occurred to them, at least not in connection with this sweeping exclusion of American pork products.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 85.—Translation.]

MEMORIAL OF HAMBURG MERCHANTS TO THE BUNDESRATH.

HAMBURG, *November* 21, 1882.

The undersigned, citizens and merchants of this city, respectfully beg leave to make the following representations to the honorable Bundesrath for its consideration:

It having come to our knowledge through reputable journals that it was proposed to finally prohibit all importations of American pigs and pork into the district of the German Customs Union for sanitary reasons, a meeting of merchants engaged in that trade in this city was called on the 14th instant, at which the undersigned were authorized to call the attention of the honorable Bundesrath to such objections which, in their opinion, the proposed measure would encounter, not only from the interests involved at the places engaged in the traffic, which interests, however, we admit at the outset, will always have to give way to those of a more national character, but also, in a far greater degree, where national, economical, and fiscal interests are at stake.

If the reasons which on a former occasion led to the imperial decree of June 25, 1880, regarding the exclusion of chopped pork and sausages from America from Germany, are now also to be made to apply for prohibitive measures against other portions of pigs, such as are less easily controlled, as, for instance, hams, shoulders, &c.,

they cannot possibly be advanced to justify the projected prohibition against salt pork and bacon, for the reason that salt pork is only edible in a boiled state and trichinæ are never found in bacon. If, however, there should still be some apprehension that trichinæ might be contained in the small strips of meat that occur in bacon, the danger of infection could be reduced to the slightest minimum by the introduction of an obligatory inspection of the meat, which could be controlled at the ports.

But a comparatively greater danger lies in the consumption of our home productions, which cannot be so easily controlled, and in which every part of the pig is employed in the preparation of food, and it is from this source that most of the serious cases of infection of which we read in the papers originate, as, for instance, the late case in Brunswick. Although we cannot believe that in influential quarters any importance is attached to the newspaper reports regarding hog-cholera, which are actuated by interested motives, we cannot, nevertheless, refrain from calling attention to the official report made in May of last year to the American Secretary of State, Mr. Blaine, which sufficiently refutes the slightest suspicion that diseased pigs could be employed in the preparation of human food.

In this report, "Result of an investigation made under authority of the Department of State of the United States," it is remarked: "The fact can readily be attested to that all rumors and reports that American pigs that have died of disease, or even by accident, are ever sent into the market, either in the form of meat or lard, are founded on malice and ignorance; for it is quite impossible for the packer or lard renderer, however much he might be inclined to do so, to use the carcass of a diseased pig in the preparation of human food in any form that could escape detection even by the most superficial inspection."

The justness and warranty for the above remarks must be apparent to all who, like the undersigned, are acquainted with the true state of things from personal experience, in the great American stock-yards, and it is this fact which, in our opinion, imposes upon us the duty of making the following statement. By far the greater part of bacon that is shipped from America comes from Chicago, which place, as is well known, has not its equal on the face of the earth as regards the magnitude of its pork-packing establishments. The shipment of pigs to that place frequently exceeds 50,000 head per day, and there are often no less than 10,000 to 15,000 pigs packed, as is the technical term used for slaughtering and preparing the pigs for the market, per day. It must be quite apparent to anybody that so enormous an industry can only be conducted by means of the most careful classification of the work, and hence it follows that each separate branch of the work is done by such fixed rules that any deviation therefrom, as, for instance, the advancement of the interests of any single branch, would be highly prejudicial to the interests of the whole. The swine are driven into the stock-yards (cattle-yards of one square mile, English, in extent), and thence selected and purchased by agents, excellently trained and experienced in their calling, for the packers.

The company, a stock company with a large capital, to which the stock-yards belong, has a contract with another company, "the Union Rendering Company," according to which the latter company has the right and duty, and, as it derives large profits from it, the *interest* to claim for itself all diseased animals.

From this arrangement, which has existed for years, it will be seen that it is utterly impossible to bring a diseased pig into market, and consequently it would be impossible for a packer, even if he desired to do so, to purchase a diseased animal.

But the business of those packers, too, is so extensive, each one of them, and especially all of them who work for the European trade are so well known, and are such wealthy people, and have acquired so world-wide a reputation for their wares in consequence of their scrupulous, conscientious management of their business, that their own interests would seem to compel them to exercise unceasing vigilance against any other than the best quality of absolutely healthy pigs ever reaching the market under their names.

All cases, barrels, and boxes, in which their wares are sent to all parts, bear their firm's name, and it is known throughout the business world with what justifiable pride these firms strive to send nothing but the best article into market. They are well aware of the injury that would be done to their interests if they could be ever justly reproached with shipping a bad or even inferior article. By these principles they demonstrate anew the fact, that has been observed everywhere, that whenever a large commercial or industrial enterprise was made to flourish, it was done only by the application of honest principles, and herein lies, in our opinion, the best guarantee for the protection of the consumer.

The diseased animals are used exclusively in the preparation of grease, which, as is well known, is used only for technical purposes. Any attempt to mix it with pork productions designed for human food would lead to ruinous results to those engaged. Such a manipulation would be quite as foolish as an attempt on the part of a renowned brewery to mix a quantity of spoiled beer with that of an excellent quality, in order to increase the quantity. All the above details are not only well known to

American and European business men, but any one having enough interest in the matter, and who has occasion to express an opinion upon it, can easily inform himself as to their authenticity.

If, in the face of such well-known facts, it has still been possible to circulate the reports that, in our day even, diseased animals were intentionally and systematically used in the preparation of human food at the great American packing-houses, we believe, until we have received proofs to the contrary, that they were circulated by mistake, and on the strength of misleading statements. If we may now be allowed to regard the question from a national, economical point of view, we are convinced that a *general* prohibition would be greatly prejudicial to the interests of a great number of consumers, more especially to the poorer classes of our fatherland, without any advantage accruing to the German agriculturist. Yes, it can even be proven that such a prohibition would be injurious to the real interests of the latter. Of meat salted, fresh and prepared, there was imported into Germany, in—

	Hundred-weight.
1878	632,235
1879	800,788
1880	477,314
1881	378,580

Although the customs tariff makes no distinction between the kinds of meat, it is nevertheless well known to the initiated, and also apparent from the returns from the places whence these articles are principally shipped (Bremen, Hamburg, Belgium, and from the United States direct), that bacon is an important factor in the foregoing figures.

Of late years the importation has been sensibly diminished, owing to the high prices which have been occasioned by the short crops in America. When, however, prices were moderate, and the shipments more extensive, it was possible to supply a large portion of our poorer classes, and notably in the industrial district of Germany, with an article of animal food in the form of cheap American bacon, so useful to this class, and so necessary to their physical and intellectual development. The same state of things will again result from an increase in American crops, and nothing, in our opinion, could justify a measure which would deprive the classes in question of this so important article of food—not even a consideration for the interests of the German agriculturists—for what the latter produce in pigs and pork preparations brings such high prices, and during the period of cheap American pork brought such high prices, that our poorer classes could never think of purchasing domestic hams or bacon and lard to any extent worth mentioning.

On the contrary, it has frequently happened—and herein lies the proof of the above-made statement—that the unrestricted importation of bacon has redounded to the interests of the German agriculturist; that land-owners and farmers have sold the swine raised on their lands for the high prices which were paid in the markets (the price seldom fell much below 50 marks for 100 pounds, no matter whether American bacon cost 30 or 75 marks per 100 pounds), and bought for their own use the cheaper American bacon.

If, therefore, the sanitary reasons advanced for the prohibition and consumption of American bacon are not tenable, whereas on the other hand the interests of the poorer classes would seem to demand imperatively an unrestricted importation of this important article of food; and experience has taught us, moreover, that such importation can in no way be prejudicial to German agriculture—we may be pardoned for pointing out the fact that through a prohibitive measure the income from this source, which amounted to, in—

	Marks.
1878	948,359
1879	1,736,219
1880	2,863,884
1881	2,271,480

would cease, and the deficiency would probably have to be made good by the imposition of heavier duties upon other articles.

We would also, in conclusion, refer to the enormous loss accruing to the German shipping interests (even the provisioning of the ships, as far as this article of food is concerned, would have to be done in foreign ports), as also to the extensive intermediate traffic in the article in question with Scandinavia and Denmark by such prohibition. This traffic, in case the transit trade were not also prohibited by an especial measure, would be unnecessarily lost to German shipping and German trade and be diverted into Belgian, Hollandish, and English channels.

We therefore take the liberty at this early day to express the hope that, in case a general prohibition should be considered inevitable, the honorable Bundesrath will be pleased to consider as feasible the request to retain to the seaports the interna-

tional traffic in the articles in question as soon as the latter shall have adopted such measures that will prevent any of the prohibited articles from reaching the German markets.

As any other motives for the contemplated prohibition than those alluded to have not been made public, as far as we are aware, we are constrained to confine ourselves to the foregoing statements and remarks, to which, however, we respectfully beg leave to make such further additions as occasion may offer.

We express the hope, however, that the honorable Bundesrath, in giving all due consideration to the German interests involved in the question, will come to the conclusion that the said interests do not require a prohibition of the importation of American pork and bacon; and that these two articles may be exempted from any prohibitive measure that may be adopted.

With all due respect for the honorable Bundesrath,

HEINRICH PFEIFFER,
ED'M J. A. SIEMENS,
GUSTAV J. J. WITT.

No. 168.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 87.] LEGATION OF THE UNITED STATES,
Berlin, December 18, 1882. (Received January 5, 1883.)

SIR: I have the honor to state, referring to my dispatches recently sent, stating the agitations for and against the prohibition of the importation of American swine products into Germany, that strong protests, similar to that of the Hamburg merchants, have been sent from Bremen and several other cities interested in the commercial aspects of the matter.

During the past week Herr Richter, the distinguished leader of the Progressist party in the Reichstag, made a powerful speech in opposition to the proposed exclusion, denying the soundness of the reasons adduced for such action, and also the power of the federal council to make the prohibition without the sanction of the Reichstag.

I presume you are aware that the proposition is pending in the Bundesrath, and is to be effected by a simple order or decree of that body, and is not to be adopted in the form of a law. In fact, it could not gain sanction as a law. In a more popular body, like the Reichstag, it would surely be defeated. * * *

The power is claimed for the Bundesrath under an article in the tariff laws of July 1, 1869, which reads as follows:

ARTICLE 1. All productions of the nature of art or industrial productions may be imported into, exported from, or transported through the entire district of the customs union.

ART. 2. Exceptional measures may be temporarily adopted under extraordinary circumstances for the prevention of dangerous contagious diseases, or for other sanitary or precautionary reasons, for a part or the whole district.

The power herein granted is obviously for temporary purposes and for emergencies. Some great and unusual calamity impending must have been in the minds of the legislators. * * * [No] emergency now exists nor disaster impends from the importation of American pigs or pork; certainly not one so threatening that there is not ample time for ordinary legislative processes.

In view of these obvious considerations it is alleged that the Progressist party intends making an interpellation in the Reichstag regarding the threatened prohibition of the importation of American pork prod-

ucts. This interpellation I find reported in one of the local papers as follows:

In reference to the project now pending before the Bundesrath to prohibit the future introduction of American pork products, the undersigned would address the following inquiries to the imperial chancellor:

1. Has the Bundesrath caused any statistics to be collected showing to what extent American meat products, especially bacon, are necessary articles of food to a large class of the poorer people in different parts of the country?

2. Does the Bundesrath propose to cause special statistics to be collected relating to the alleged unwholesome character of the American meat products at the port of entry and at the place of origin of the article?

3. Does the Bundesrath, apart from the question of a continual sanitary consideration in the premises, hold itself authorized to adopt measures restricting importations without the concurrence of the imperial Parliament, by virtue of the right vested, for temporary circumstances only, in the Bundesrath by article 2 of the tariff laws of July 1, 1869?

These questions go to the root of the matter. The considerations which they raise can hardly be ignored in the Bundesrath, though they may not prevail to prevent the foreshadowed action.

I have, &c.,

A. A. SARGENT.

No. 169.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 90.] LEGATION OF THE UNITED STATES,
Berlin, January 1, 1883. (Received January 19.)

SIR: I have the honor to report that a very strong feeling of opposition has been aroused in Berlin and other German cities, as well as in the manufacturing districts generally, against the threatened exclusion of American pork products.

Strong protests are being sent in to the Bundesrath, and committees of merchants and others have visited the capital to protest against the measure. Editorials in leading papers have fully exposed the falsity of the excuses for exclusion.

If this were strictly a Government of public opinion in the American sense, these general public appeals, backed as they are by solid reasoning upon indisputable facts, would prevail, and the project would be abandoned. But this is far from being the case, and the prospect is stronger than ever that the decree will be issued. I am informed that Mr. Bottischer, the imperial minister of the interior, informed a protesting delegation during the past week that the measure would certainly be adopted.

It is believed in some well-informed quarters that this will be done in a day or two, to anticipate the impending discussion in the Reichstag, which was adjourned until its next sitting, about the middle of January, when the opponents of prohibition will undoubtedly make a strong showing against both the policy and the legality of the measure.

There is considerable feeling on the part of the opponents of prohibition in the Reichstag in view of this threatened snap judgment, and a leading member of that body characterized it to me as "a mean trick."

The pretense of sanitary reasons is becoming the thinnest veil, which has been torn into shreds, and which is now apparently only insisted

on as an excuse to the United States. The Berliner Tribune, a powerful organ of the Progressists, clearly showed in an article published on Saturday, the 30th ultimo, that it appears from official reports that from 1877 to 1879 there was an average of thirty-three deaths per year in Germany from trichinosis, and that the average has increased since then; and yet it asserts there has not proved to be one case of death, or even disease, from eating American pork.

On the other hand, it is shown that the methods of preparing export meat in the United States are absolute death to trichinæ. It says that in every case of death or disease from eating pork it has been from the use of freshly-slaughtered German, Russian, or Hungarian pork. It holds that the American assertion that diseased meat is never exported from our country is maintained, and such meat is too rapid in decomposition to be prepared for export. In a word, as it shows, there is no sanitary objection to American pork. It gives the true explanation of the agitation by saying that it is a thorn in the flesh of German proprietors that a pound of American pork can be sold here for 10 pfennige less than the home product.

If the move of keeping out the half a million cwts. of American pork, imported into Germany yearly, could succeed, then their greatest rival is out of the way, and they will fix prices to suit themselves.

Of course, if the public is not to be benefited, the great landholders are.

It the price of pork rises 5 pfennige per pound, a hog of 300 pounds gains 15 marks in value on present prices, and the result is that the large farmers who slaughter yearly from 500 to 1,000 head have a gain of 7,500 to 15,000 marks.

It is no wonder that the hog-raiser works in the interest of his pocketbook against the importation of American meat. "But woe to the poor, who pay to him the 15,000 marks! Woe to the hungry, who imagine that it is a duty of the Government not to make the means of living exorbitant!"

The falsity of the pretense of sanitary reasons, and the real motives, are here clearly exhibited, directly under the eyes of the council.

A similar showing is made in yesterday's National Zeitung. Both papers show that the present is, above all, an improper time for such a measure. There exists no reason for helping German agriculturists, for this year's harvest has been remarkably abundant, while American crops have fallen off, and consequently American exports to Germany, leaving the German farmers a nearly clear field and good prices; and these conditions cannot be changed until the harvest of 1883.

But Europe needs American agricultural products, for it cannot feed itself, but must pay for these with its labor.

It is also pointed out that Germany is likely to be a great gainer by the proposed reduction of the American tariff.

The Americans cannot be convinced that the meat which they freely eat without injury is unwholesome, or that the measure is not a selfish, injurious blow at their interests. The danger of reprisals is pointed out; and it is suggestively stated by the Tribune that because the French have recently been buying railroad supplies of Austria instead of Germany, probably getting them cheaper, a mere private corporation business, not involving governmental action, the German press has been clamorous for reprisals by overtaxing champagnes.

If the action of a few Frenchmen can raise such stormy calls for reprisals, what will the Americans think on seeing their pork prohibited while Russian pork is allowed to come in?

The Tribune sees in this measure new powder for the guns of the social democrats, and deprecates the adoption of a measure where the gains must be so little and the damage is certain to be so great.

I have given the substance of these newspaper articles, that you may see that there is no lack of light shed on the subject.

I have sought by every means to oppose the measure, and have lost no opportunity to expose its true character and to show that the health of American swine is unimpaired and American swine products are entirely wholesome. I do not think these latter propositions are now seriously disputed by people of intelligence. The movement is merely selfish, and in disregard of the interests of the United States. The only argument which would be effective against the measure would be the fear of reprisals. We could not insist upon any people receiving from us articles deleterious to health, but we can as little submit to the exclusion of our products upon false pretenses—pretenses so obviously false as in this instance.

I have, &c.,

A. A. SARGENT.

No. 170.

Mr. Sargent to Mr. Frelinghuysen.

No. 95.] LEGATION OF THE UNITED STATES,
Berlin, January 8, 1883. (Received January 29.)

SIR: Undoubtedly the most important event of the week in Europe is the death of the distinguished French statesman and patriot, M. Leon Gambetta. His large gifts and brilliant history gave him an ascendency among his countrymen that no other man enjoys, while his sentiments upon the foreign interests and rights of France made him an object of remarkable interest to other peoples, and especially to the Germans. Gambetta peculiarly represented the gospel of revenge to the German mind. His public utterances, down to a recent period, showed the spirit that animated the dictator of Tours, where he "re-inforced with a man" the beaten and demoralized armies of France and almost snatched victory from unwilling fate. While Gambetta lived, there was no feeling of security in Germany that he might not use his magnetic power to again precipitate France upon Germany. This was by no means a sentiment of fear, for Germany has reason to believe, and does believe, that it could cope with France in any future struggle. It was rather a feeling of unrest at the thought that an undesirable struggle might be forced upon Germany, where no successful combat could bring higher glory than that already reaped. Some allowance must be made for the first expressions of national emotion; but in this case there is no reason to impeach their honesty. They were at least sincere.

The Börsen Currier wrote, for German sentiment:

The news is of the greatest moment for us. Who knows but that the death of this man has spared many a young man his life, and humanity the unspeakable misery of war, with all its enormous sacrifices of money, property, and life? With Gambetta the revenge idea in France will not become extinct, but after having lost its representative, it will recede into the background for some time to come. Thoughts of foreign adventure will meanwhile be forgotten in the struggle for the leadership of the republican party. But before a similar crisis arises, things may have undergone

so great a change that men's minds may have meanwhile cooled down, and the revenge idea have lost its edge. Besides, no other party leader can have the advantage of the prestige which Gambetta achieved, as organizer of the national resistance.

The Berlinger Tageblatt said:

The rest of Europe, but especially Germany, has full cause to regard the death of this, our most gifted and bitterest adversary, as a pledge of peace. * * * Gambetta, the man of implacable revenge, is dead, and his decease will bring us more peace than diplomatic alliances. His was a richly endowed nature, which to a certain extent compelled even his enemies to respect him; but now that he is no more among the living, it need not be concealed that the peace of Europe seems to be more enduringly secured than it has been for a long time. The New Year's bells which rang in the death of Gambetta have sent us, over the Vosges, chimes of peace.

I need not quote further, as these give the tone of the German papers when the news first came. It is pleasant to read the latter articles, where an appreciation of the patriot pierces through the prejudice against the foe. Thus the North German Gazette, which often speaks for the Government, says:

But appreciation of foreign merit and foreign greatness of character, free from envy and prejudice, has always been a prominent quality of the Germans, and therefore our fatherland, too, does not hesitate to place a wreath of esteem on the bier of her deceased enemy, with whom she struggled victoriously in valiant, honorable fight. Did not some of our legitimate military authorities on this side of the Vosges write of the great talents of the deceased in terms of unreserved recognition? To examine what Gambetta has been to the Republic, and what perhaps he might have still become to it, is not our business. It is not for the death of the politician that Germany feels, but for that of the patriot, who, even at times when it had sunk lowest, never despaired of the fate of his native country.

An extract from the Paris Paix is published here, replying to the first utterances of the German press, which is of value as showing the sensitiveness of the two people. It is as follows:

France does not desire war nor does she fear it. If she were forced into hostilities by the action of any foreign power, she would make war without M. Gambetta, just as she would have done with him. The warlike tendency ascribed to him would not have led France into war, but the disappearance of the great orator will not deprive her of the power to defend her interests and her honor, should they become endangered.

Singularly enough the new year also brings news of the sudden death of General Chanzy, Gambetta's right-hand man in the defensive movements of France after Sedan, and the best French soldier of the epoch. Germany has lost within a year the three personal enemies whose genius was most dangerous—Skobeleff, Gambetta, and Chanzy.

I have, &c.,

A. A. SARGENT.

No. 171.

Mr. Frelinghuysen to Mr. Sargent.

No. 74.] DEPARTMENT OF STATE,
Washington, January 12, 1883.

SIR: Acknowledging the receipt of your very interesting and instructive dispatch No. 87, of the 18th ultimo, in which you give an account of the method in which it is proposed to accomplish the exclusion of American pork from Germany, I have to request you to lose no occasion to compass the abandonment of the restrictive and unjust measures now proposed.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 172.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 96.] LEGATION OF THE UNITED STATES,
Berlin, January 13, 1883. (Received February 19.)

SIR: I have the honor to state that an interesting debate occurred at the session of the Reichstag on the 9th instant, upon the mooted prohibition of the importation of American pigs and pork by decree of the Bundesrath, of which I inclose a full report, without translation. This debate arose upon an interpellation addressed to the chancellor by Herr Richter on behalf of the Progressist party, a copy of which is given in my dispatch No. 87, of December 18, 1882.

Herr Richter opened the debate by saying that the interpellation is in the interest of a large circle of poor people. He showed how injurious the previous prohibition of American sausages and chopped meat had been, and dwelt upon the entire lack of any effort by the chancellor to collect or present any evidence of the unsoundness of American pork, or that any diseases had been engendered by its consumption. He alluded to proofs accessible that cases of trichinosis observed arise from the use of German chopped meat fresh from the butcher. The only source of information of the chancellor was a document written probably as an advertisement * * * and full of sensational stories. Goulard is himself quoted in the chancellor's memorial as an authority; yet the witness would not be for a total exclusion, but for a prohibition only of such importation as he did not profit by. A collection of the advertisements of the "Golden 110" (a cheap clothing store in Berlin) would be as good evidence in New York of the condition of German trade as this circular is here of any fact in American production. On such flimsy evidence was a measure proposed that would cut deep into German food relations. He denied that American pork furnishes only three per cent. of the German meat food, and that the deficiency could be easily made up otherwise, for in some parts of Germany the imports represent a very considerable percentage of meat nourishment. Consumers of beef might eat a small percentage of pork, but the poor classes used it wholly, and it was a large percentage of their subsistence. A food association of mining workmen near Aix states that 80 kilograms of American meat are used per head every year. Often the piece of American bacon is the only animal food in the dish which the wife brings to her husband for his noon meal at his place of work. Already the high price of American products causes the Westphalian workman to subsist on the refuse of sausage factories, or go without animal food. The short maize crop had raised the price of American pork, but a good harvest would put this food cheaply in the reach of the German poor.

He also challenged the right of the Bundesrath to make the prohibition under the tariff law of 1869, its only pretense of authority, which gives only the right of temporary suspension in cases of emergency. The whole speech was admirable and convincing.

Upon its conclusion, and as if to close the discussion, the ministerial director, Marcard, arose and answered the interpellation at once, not responding to any of the propositions of law or fact propounded, but declaring that the Bundesrath was still investigating the matter and had come to no conclusion, and no one had a right to announce its

intentions in advance; that its decision would undoubtedly be laid before the Reichstag after it was arrived at.

Deputy Kapp was not disposed to have the interpellation so easily disposed of. He declared that the proposition of the Bundesrath is based on the allegation that American pork is dangerous, and the proof of this is not furnished. The Bundesrath had not obtained sufficient information. This it could have easily done, for the American Government had published the result of official investigations, especially the collective experience of Chicago and Cincinnati. The business amounted in 1880 to 100,799,414 tons. So great a trade could not take place unless it were conducted on the most conscientious and scientific principles. The continuation of the trade was only guaranteed by furnishing the best article. He regretted that so high an official as State Secretary Burchard had promulgated such a groundless assertion as that cholera had broken out among American pigs, and had therefore demanded prohibition for sanitary reasons. Competent judges would have told him that cholera only affects young swine, which are never sent to market, as they pay too little. These also, when dead from disease, decompose so soon that it is not possible to turn them into lard, and the pigs are used for grease and soap. He showed the care used in feeding and handling American pigs. He thought no one would be surprised at the manipulations of Messrs. G———. It would not be surprising if these gentlemen spread a report that they had been spoken of by the Reichstag with high praise. A decisive question with him was, Is it desirable to disturb the good relations with the American Government, which is engaged in reducing the tariff? Were this proposal now the law the working classes would be less physically able to serve the Fatherland. He trusted the council of state would abandon the injurious step.

The chancellor, Prince Bismarck, arrived during this speech to announce certain relief proposed by the Emperor for the flooded districts. He made a few incidental remarks upon the interpellation, and called pork "the poor man's trichina." He excused himself on the plea of ill health from speaking at length, and for that reason denied himself the pleasure of refutation. His remarks show that he was not moved by the arguments and facts presented by the opposition and had no disposition to relax his purpose to secure the exclusion of American pork products. * * *

When the debate was resumed Dr. Frege spoke in favor of exclusion, saying the speech of Mr. Kapp was entirely in the American to the exclusion of German interests. He believed the great quantity of hogs slaughtered made it impossible to eliminate the disease. The German poor were not dependent on this food, as this pork is only 3 per cent. of their food.

Secretary Burchard defended his statement as to the danger from hog cholera by citations from the New-Yorker Staats-Zeitung, stating that the business is no longer a clean one, and alluding generally to scientific opinion.

Bundescommissioner Dr. Köhler asserted that it is established that, for instance, in Dresden, 10 per cent. of the American hams had trichinosis. Similar instances occurred in Magdeburg, Brunswick, Geestemünde, &c. The health officials have also announced that 3, 5, and 8 per cent. have trichinosis, and that pickling and smoking are not sufficient to destroy this. There are cases of fatal sickness as the result of eating this meat, especially at Bremen, Bostock, &c. He doubted if distress to the poorer classes would arise from exclusion, which would be a

grave matter, but the duty of the Government is first to prevent dangerous articles from being imported.

Dr. Barth said he was not convinced by anything that had been said that there was danger from American meats. He carefully refuted the statements of the previous speaker in regard to the prevalence and consequences of trichinosis in American pork, and said the consumers of the food petitioned against prohibition, and the only ones in favor of it are the Bundesrath and some interested hog breeders.

In France and Austria-Hungary the prohibition was imposed before the investigation by the American Government. In the latter country it is about to be taken off. If Germany now imposed it, after the investigation, it would act very offensively to the American Government, and drive them to reprisals, such as there were in 1872 on the part of the United States against France. Deputy Kapp did not, as Deputy Frege charged him, serve American, but German interests, as he warned them before such reprisals. The danger which the use of brandy brings with it is immeasurably greater than that evoked by the use of American pork. In the Berlin hospital in 1878–'79 there were 623 persons suffering from chronic alcoholism, of which 40 died. Yet nobody would deduce from that the necessity of forbidding the use of alcohol. In the interest of the relations with America, of the laboring classes and commerce, he invoked further serious test by the Bundesrath before excluding American pork.

Deputy Ahlhorn said the working classes are accustomed to this food. He had collected many reports and made many investigations, but not a single case had been authenticated whose sickness has been the result of using American lard or bacon. If this measure is deemed necessary it should be brought before the Reichstag for legislation. It is a question of the indispensable food for the poor man, who is already injured by the new taxes.

Here the debate on the interpellation closed. The vigor with which it was waged by the opponents of the measure, and the fact that very serious interests, commercial and others, are affected by it may have the effect of preventing the decree, though I am not sanguine of that at this writing.

I have, &c.,

A. A. SARGENT.

No. 173.

Mr. Sargent to Mr. Frelinghuysen.

No. 99.] LEGATION OF THE UNITED STATES,
Berlin, January 22, 1883. (Received February 9.)

SIR: As the matter of a new treaty between the United States and Germany is being mooted in Congress, and as it was alleged in the newspapers that announced the appointment of Mr. C. Von Eisendecher as German minister at Washington that his instructions include power to negotiate for the extension of the present treaty to cover Alsace-Lorraine, and as the negotiations for such new or modified treaty may take place at Washington, I beg to inclose extracts from the laws of the Empire relating to the acquisition and loss of German citizenship, with translations, merely to direct your attention to these provisions in case

a reference to German law on these points becomes useful in the course of the discussions.

In my dispatch No. 72, of October 12, 1882, I endeavored to give the present state of opinion in Germany upon these topics, and subsequent observation confirms the opinions which I then expressed.

But I may remark that while there is considerable jealousy on the part of those who perform military service of those who escape it, and a feeling on the part of some German statesmen that the present treaties go very far to facilitate the depletion of the military force of the Empire, yet the extracts from the laws which I inclose show that the treaty is not more liberal in that respect than the law, and perhaps a fair construction of the five years' clause in section 21 shows it to be more liberal than the existing treaties. It may be suggested that this clause absolutely recognizes the fact that five years' absence from Germany, during which citizenship in a foreign country has been acquired, causes the relation of German citizen entirely to cease and determine; and, of course, terminates all reciprocal duties and obligations.

The late German, now, say, an American, if traveling or residing in Germany, comes under the protection of this law, that accords his full rights as an American.

Only by the restriction upon this law made by the present treaties is there a limit fixed to the time that a naturalized American of German birth can reside here. If the treaties were liberalized in that regard the law would, it appears to me, not need to be amended to cover further privileges of that kind. Perhaps Germany might be induced to allow as much liberality in the treaty as the law discovers.

But the right of an unlimited residence away from their country by citizens of either nation who at the same time demand constant protection from their Government, is undesirable, and perhaps ought not to be provided for by treaty, either for native or naturalized citizens.

The feature in the German law that declares that ten years' uninterrupted absence from the Empire shall work, *ipso facto*, a loss of citizenship, might work well if enacted in the United States and applied to all citizens. I have met American citizens in Europe, both native and naturalized, who reside permanently abroad and never intend to return to America. They spend their income here, make investments here, and identify themselves as fully as if Europeans with Europe.

From this many of the consequences of the absenteeism which is so injurious to Ireland result. These persons are Americans only in name. They have children born here who arrive at manhood without ever having seen America, and speak its language, if at all, with strange accent. They avoid the society of Americans usually, are contemners of American institutions, despise its simplicity, mourn their own lack of titles, and besiege the legation for presentations at courts, where they may wear a gilded coat and sun themselves in the condescending smiles of royalty. To them republican institutions are a failure, and the failure is largely due to the absence of a privileged class that could give dignity and tone to our otherwise uninteresting and uncouth modes. Such affect to believe that all grace of manners departed from France with the Empire; that the United States can never have any until it recognizes an aristocracy of blood, and prefer these as rulers at home and representatives abroad. It is noticeable that such always assume that they would be of the elect in the happy day when the Republic shall so change its features as to be a desirable residence for them, although the ground for the assumption is not always obvious.

A law like that of Germany would certainly not injure our reputation

abroad, while it might be of service to these ungrateful children by compelling them occasionally to come in contact with and see the sterling value of the practical democracy at home. It might free them from "many a foolish notion" that long uninterrupted residence abroad fosters.

Materially, such a law would be better for the United States. Immense sums of money derived from interests in the United States are spent abroad by such permanent self-exiles, which would tend to our prosperity if spent at home. Of course these remarks apply only to a class, and not to American travelers and students abroad.

Such a law, to be of value to America, should not contain a provision that a declaration of intention made before a consul shall have the effect to suspend the period of limitation.

The German Government does not, in fact, molest any naturalized German-American after he has passed the military age, but allows him to live here indefinitely. Hence, thousands of Germans come here after that age and pass the remainder of their lives. These are as anxious as the native Americans whose children are born here that their sons here shall escape military service, though these sons have never seen the United States. It would be a curious subject of study to discover what interest the United States has in exerting itself to protect such absentees, either native or foreign, who render it no equivalent of service, and not even of respect or affection.

There would be nothing to regret if such a law should reach a class, too numerous, who have made of our naturalization laws a mere convenience to escape obligation to the countries of their birth, and who discharge none to the alleged country of their adoption. Such go to the United States and live there the bare time for naturalization, and then return to Europe with citizen papers, never intending thereafter to visit the United States. Their bad faith prejudices, in the eyes of European authorities, the case of the honest emigrant who has acquired citizenship in good faith and returns here for temporary purposes, and causes the latter to be molested where he otherwise would not be, because the Governments have so often before them cases of what is morally little else than fraudulent pretense of American citizenship.

In short, experience and observation in Europe have led me to the conclusion that, while it is desirable to secure greater clearness and scope to our naturalization treaties, it would also be advantageous to our interests to enact that *any* American absenting himself uninterruptedly for a period exceeding ten years from the United States should cease to be a citizen of the United States.

The law regulating the acquisition and loss of citizenship is, it will be observed, extended to Alsace-Lorraine. As the five years' clause requires to be vitalized by treaty, and was probably intended as a sanction or affirmation of the American treaties, it would not be of force in Alsace-Lorraine unless the treaties can be held to apply to these late acquired provinces. But the existence of this feature in the law did not prevent the act of extension of the whole law to Alsace-Lorraine, by which the implication might arise that Germany was ready to extend the treaties.

In Mr. Fish's instruction No. 569 of April 14, 1873, and No. 583 of June 4, 1873, a forcible statement of some objections to the existing treaties may be found; and in Mr. Bancroft's dispatch No. 481 of May 8, 1873, an earnest defense of the treaties by the negotiator thereof.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 99.—Translation.]

Extracts from German laws relating to citizenship.

Law of June 1, 1870, concerning the acquisition and the loss of confederate and states citizenship. (Law Journal of the Confederation, 1870, pp. 355 to 510.)

We, William, &c., &c., decree, in the name of the North German Confederation, with the approval of the confederate Council and the Parliament, the following:

* * * * * * *

§ 13. Henceforth citizenship can be lost only—

1. By discharge upon motion.
2. By decree of the authorities.
3. *By a ten years' residence abroad.*

* * * * * * *

§ 20. North-Germans residing abroad can be declared to have lost their citizenship by decree of the central authorities of their native state, if, in case of war, or impending war, they refuse to comply with an explicit order, issuing from the Bundespräsidium and covering the entire Confederation, to return home within the time specified in the order.

§ 21. North-Germans who have left the territory of the Confederation and have lived abroad uninterruptedly for ten years, thereby lose their citizenship. The afore specified period is reckoned from the time of leaving the territory of the Confederation; or, in case the person leaving possesses a passport or citizen paper, from the time of extinction of such passport or citizen paper. This period is interrupted by inregistration in the register of a consulate of the Confederation. It begins anew the day following the cancellation of such inregistration.

For North-Germans who reside in a foreign country for at least five years uninterruptedly, and at the same time acquire citizenship there, the period of ten years can, by treaty, be reduced to a period of five years, without exception, whether those concerned are in possession of a passport or citizen paper or not.

North-Germans who have lost their citizenship by a residence abroad of ten years, without, however, having acquired a citizenship in another country, can regain their citizenship in their former native state without taking up their residence there.

North-Germans, who have lost their citizenship by a ten years' residence abroad, and thereafter return within the territory of the North-German Confederation, acquire citizenship in the state wherein they have taken up their residence by a certificate of admission to citizenship, which must be granted them by the superior authorities upon motion.

Law of January 8, 1873, concerning the introduction of the imperial law upon the freedom of emigration and immigration, of November 1, 1867, and the imperial law upon the acquisition and the loss of confederate and state citizenship. (Imperial Law Journal, 1873, p. 51, No. 913.)

We, William, &c., &c, decree in the name of the German Empire, with the approval of the confederate Council, for Alsace-Lorraine as follows:

ARTICLE 1. The annexed imperial law concerning the freedom of emigration and immigration of November 1, 1867, is extended to Alsace-Lorraine. The final regulations following the first part of § 7 of the annexed law are collected in the appendix.

ART. 2. The law regulating the acquisition and the loss of confederate and state citizenship of June 1, 1870, modified by a provision of § 9 of the imperial law, and repeated in the annexed reprint, obtains in Alsace-Lorraine; with this distinction, that wherever, in the previous law, mention is made of the North-German Union, its territory, states, natives, constitutional organizations, subjects, and officials, the German Empire and its corresponding relations are to be understood.

Given, BERLIN, *January* 8, 1873.

WILLIAM.
PRINCE BISMARCK.

No. 174.

Mr. Sargent to Mr. Frelinghuysen.

No. 107.] LEGATION OF THE UNITED STATES,
Berlin, February 10, 1883. (Received March 5.)

SIR: I have the honor to state that, on February 2, I was the recipient of 4,000 marks from citizens of San Francisco, for the relief of the sufferers in the inundated districts of Germany; of 5,000 marks

received to-day from the citizens of Stockton, Cal.; and am notified of 20,000 marks more on the way from Pittsburgh, Pa. Besides these sums contributed through me, large amounts have been sent by our generous people for this object through other channels. Believing the surest and most impartial distribution, in accordance with the benevolent intentions of the donors, could be secured through the medium of the imperial authorities, who have the general work of relief in hand, I sent the money so far received to the foreign office, in a communication dated February 2, of which a copy is inclosed. On the 8th instant I received a letter from the imperial chancellor, a copy and translation of which are inclosed, acknowledging receipt of the money, and tendering the warmest thanks of the Emperor for the warm sympathy of the citizens of the United States for the sufferings of the inundated on the Rhine, and expressing His Majesty's great pleasure at perceiving in this contribution another proof of the friendly relations between Germany and the United States. As this letter is obviously designed as a general acknowledgment of the generosity of our citizens in this matter, I take the liberty of communicating it to the Department for such use as it sees fit to make of it. Its request that I express the thanks of His Majesty to the San Francisco donors, I beg leave to comply with by forwarding a copy through the Department to Mr. Herzen, who telegraphed the money to me.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 107.]

Mr. Sargent to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, February 2, 1883.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit herewith to his excellency Count Hatzfeldt, imperial secretary of state for foreign affairs, the sum of 4,000 marks contributed by the citizens of the city of San Francisco, Cal., for the relief of the sufferers by the late inundations in the Rhine district.

The undersigned has taken the liberty of sending this subscription through the medium of the imperial foreign office, being convinced that the surest and most impartial distribution, in accordance with the benevolent intentions of the donors, will be thus secured, and respectfully requests his excellency to take such measures as may seem to him most proper, in order that this contribution to their relief may reach the sufferers as directly and speedily as possible.

The undersigned avails, &c.,

A. A. SARGENT.

[Inclosure 2 in No. 107.—Translation.]

Prince Bismarck to Mr. Sargent.

FOREIGN OFFICE, *Berlin, February* 8, 1883.

The undersigned has had the honor to receive the esteemed note of the 2d instant, inclosing the sum of 4,000 marks which the citizens of San Francisco have placed at the disposal of the inhabitants of the Rhine district devastated by the inundations, and has not failed to report the contribution in the highest quarter. His Majesty the Emperor has noted with deep interest the warm sympathy which the citizens of the United States evince for the sufferings of the inundated on the Rhine. It affords His Majesty great pleasure to perceive in this contribution another proof of the friendly relations which unite Germany and America.

The undersigned is authorized by His Majesty to express, in the name of the inundated, their warmest thanks to the citizens of San Francisco who made this contribu-

tion, and would request the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Sargent, to convey these thanks to them.

The undersigned gladly adopted measures looking to the speedy and direct distribution of the money sent to this office, as was requested, and to that end he asked the assistance of the committee of the members of Parliament, who represent the devastated district, now sitting in the Reichstag, which was cheerfully accorded.

The undersigned avails, &c.,

BISMARCK.

No. 175.

Mr. Frelinghuysen to Mr. Sargent.

[Telegram.]

DEPARTMENT OF STATE,
February 15, 1883.

The President invites Germany to send a commission of experts to the United States to examine raising and packing of hogs and hog products for food. He asks that final decision in prohibitory measures be suspended until commission can adequately report.

Instruction by mail.

FRELINGHUYSEN.

No. 176.

Mr. Frelinghuysen to Mr. Sargent.

No. 87.] DEPARTMENT OF STATE,
Washington, February 16, 1883.

SIR: I transmit herewith copies of a memorial addressed to the President, under date of the 9th instant, by the Chamber of Commerce of the State of New York concerning the apprehended prohibition by the German Government of the importation of American bacon—hams and hog products—into the territory of the Empire.

The considerations set forth by the memorialists are believed to be justly stated. They represent what this Department has so frequently hitherto represented through your legation, that the alleged existence of trichinæ, and of diseases among swine in this country to an alarming extent, cannot, even if established, affect the healthfulness of the exported product, inasmuch as the hog products of the United States are prepared for market in a manner which renders their uncooked consumption all but impossible; that the disease known as trichinosis is rare among American consumers of swine's flesh, and that not more than two or three cases in Germany during the past ten years have occurred where the disease could be ascribed to the consumption of American pork, while most of the reported cases in Germany are directly traceable to the consumption of the raw meat of freshly killed domestic hogs. And they state further that with respect to alleged exportation of deleterious meat from diseased hogs no substantiation whatever has been shown.

As you are aware, this Government at home and through its legation at Berlin has made every effort from the first to countervail a tendency toward what it believes to be uncalled-for and unjust legislation on the part of Germany, in seeking to exclude from one of the largest markets of the world a product of such great importance to the United States.

No endeavor has been spared to bring home to the mind of the imperial Government the conviction, reached by this Government after exhaustive and impartial investigation of the subject, that the premises upon which the intended prohibition rests are unfounded, and that the exported hog products of the United States are in nowise the indiscriminate source of danger to life and health which they are alleged to be. You and your predecessors have earnestly set forth all this to the imperial Government; you have labored to convey a right understanding of the facts of the matter as they are ascertained to exist here, and you have urged the hardship, almost amounting to an international wrong, which would be inflicted alike upon the producers of the United States and the peasantry of Germany, by cutting off from the one class a large and secure market, and depriving the other of a cheaper food than their own country can supply. So far as is now known, your efforts in this direction have not been crowned with the hoped-for result.

But one course now remains. It is believed here that if the Imperial Government itself were to do as the Government of the United States has done, and closely examine on the spot all the conditions of the hog-raising and packing industry, if it were to follow by practical observation the course of this staple of food from the fields and farms to the packed state, the same conclusions would be inevitably reached as those to which this Government has been drawn. So firmly is this believed that the Government of the United States deems it a common duty to its own citizens and to the consumers in Germany to invite the Imperial Government to examine into the matter for itself, by a commission of experts sent to this country, before final decision is taken on the proposed measures.

This Government stands ready to extend to that of Germany the fullest facilities for the profitable pursuit of such an investigation. Believing that the results which it will promise are of no less moment to the consumers of hog products in the United States than to those in Germany, it is willing to lend the services of one or more impartial experts, scientists of known probity, to co-operate with those whom Germany may send, if such co-operation be deemed desirable and acceptable by Germany.

You will therefore present to the imperial Government, in the name of the President, a formal proposal and invitation to send to the United States a commission of experts, who shall, either by themselves or jointly with impartial scientists named by the United States, investigate the whole question of hog-raising and the curing and packing of hog products as food in the United States. And you will ask that action in a final sense upon the pending prohibitory measures may be suspended during such reasonable time as may be necessary for such a commission to make a thorough examination of the subject and report thereon. You will add that in making this proposition the Government of the United States is actuated by the fairest and most friendly motives; that its desire, no less than that of Germany can be, is solely that the truth of the matter may be established, and that it deems its reasonable request entitled to friendly consideration on the part of a Government bound to the United States by so many ties as is that of Germany. It is thought, above all, necessary that some such course as that now proposed be adopted to free whatever resultant course Germany may adopt from the possible charge of being an unfriendly discrimination.

You will read this dispatch to the minister for foreign affairs, and leave with him a copy.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 87.]

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

Memorial in regard to the prohibition of the importation of American bacon and hams into Germany.

To the President of the United States:

The Chamber of Commerce of the State of New York respectfully asks leave to represent that the imperial Government of Germany has openly declared its intention to prohibit the importation of American bacon and hams into their country, on the ground of the alleged unwholesomeness of these products, and that such prohibition threatens to destroy a valuable and growing branch of commerce between our country and Germany.

Your memorialists are aware that the honorable the Secretary of State has already directed the attention of the United States minister at Berlin to the subject. In view of its grave importance, and of the fact that the German Government has only recently made a public statement of its intention and of the reasons that have prompted it, your memorialists nevertheless deem themselves justified in adding their testimony to the information already in possession of the Government, and in directing its attention to those points which, in the present position of the matter, appear to be of the greatest importance.

The German Government bases its intention on two facts which it claims to be established, namely, first, on the occurrence of the parasite *trichinæ spiralis* in the American hog products to a greater degree than it is found in the German hog; and, secondly, on the widespread prevalence in our hog-producing districts of the disease known as hog-cholera.

Your memorialists are convinced not only that both these charges are exaggerated, but also that the conclusions drawn from them by the German Government are not justified and can form no reasonable ground for the contemplated prohibition.

1. *Trichina.*—The German Government claims to have established the occurrence of this dangerous parasite in about 4 per cent. of the American bacon and hams imported into Germany, which is stated to be the result of accurate investigations prosecuted during a series of years. No similar official tests having ever been made on this side, your memorialists are unable to disprove or to confirm the alleged fact, and any contradiction from our side, therefore, is not likely to be accepted. But there is one fact which, if properly urged, should convince the German Government of the injustice of basing a decree of prohibition on the alleged occurrence of trichinæ in American bacon and hams, which is this: That these products of our country are prepared for market in a manner which renders their consumption in the raw state all but impossible. This alone accounts for the rare occurrence among American consumers of the disease known as trichinosis, and for the fact that according to the German Government's own statement not more than two or three cases have, within the past ten years, occurred in Germany, where the disease could be ascribed to the consumption of American pork, while all widespread and dangerous cases of trichinosis in Germany have been traced to the consumption of the raw meat of freshly killed domestic hogs. These facts, instead of justifying the threatened prohibition, rather go to establish a great advantage, in a sanitary point of view, of the use of the American product over that of the domestic meat.

2. *Hog-cholera.*—The existence of hog-cholera, also, is not denied, though the prevalence of the disease can be proved to have greatly diminished, since the bulk of our hogs is no longer raised mainly in connection with our distilleries, but on our Western farms, where they are fed on Indian corn. In urging this charge, the Government appears to have placed more faith in exaggerated newspaper reports than in the results of the official investigation instituted by our Government, which were embodied in the report made to the State Department by Mr. Scanlan, chief of the Bureau of Statistics, dated April 26, 1881, which report has been before them. Here again, however, the German Government has drawn conclusions from the facts alleged, which are not justified even by these facts, since they have been unable to point out the occurrence of any American meat which might have been called diseased from that cause, much less any injury that might thereby have been inflicted on the health of the consumers.

In view of the fact that the thorough and systematic exclusion of diseased hogs from our packing establishments can easily be proved to any fair-minded man that will take the trouble of examining into the process connected with the preparation of these products for market, your memorialists respectfully suggest that the German Government should be invited to examine into this matter by a commission of experts sent to this country, before final decision is taken on the proposed measure.

And your memorialists will ever pray, &c.,

GEORGE W. LANE, *President.*
GEORGE WILSON, *Secretary.*

[SEAL.]

NEW YORK, *February* 9, 1883.

No. 177.

Mr. Sargent to Mr. Frelinghuysen.

No. 109.] LEGATION OF THE UNITED STATES,
Berlin, February 17, 1883. (Received March 10.)

SIR: I have the honor to report that, at the request of Count Hatzfeldt, imperial secretary of state for foreign affairs, I had an interview with him to-day, where a number of questions interesting to the United States, which I had previously called to his attention, were provisionally discussed, of which I will make full report as soon as conclusions are reached. When he had concluded with his topics I read to him your telegram of the 15th instant, which states that the President invites Germany to send a commission of experts to the United States to examine the raising and packing of hogs and hog products for food, and that he asks that final decision on prohibitory measures may be suspended until the commission can adequately report.

I told him that the proposed prohibition had excited a good deal of attention and some feeling in America, explained the importance of the proposition to the United States, informed him that there was a general belief there, founded on experience and careful examination, that the objection to American pork as a sound article of diet is unfounded, and that the exclusion would be improvident. I called his attention to the conclusive and candid report of the commission appointed by the State Department to examine and report on the mode of raising hogs and preparing their products for market, made after extensive and exhaustive investigation. I told him I would send to him a fuller statement of the matter as soon as I received the instruction now on the way to me by mail, and would also at the same time send a copy of the public document to which I referred; and I trusted that while the imperial Government were considering this proposition of the President nothing further would be done, and the proposition would be accepted. He said nothing decisive upon the subject, as, of course, he could not of his own responsibility, but expressed a desire to have the documents and information in question.

I have, &c.,

A. A. SARGENT.

No. 178.

Mr. Frelinghuysen to Mr. Sargent.

No. 88.] DEPARTMENT OF STATE,
Washington, February 21, 1883.

SIR: Your dispatch No. 96, of the 13th ultimo, giving a summary of a recent debate in the Reichstag concerning the proposed exclusion of American pork from the German market, has been read with interest. This Government cannot but welcome as a hopeful sign any disposition to bring the subject to a parliamentary discussion on its true merits. My instruction to you of the 16th instant, No. 87, proposing a German investigation in the United States, will have shown the confidence that this Government feels in the soundness of the views it has heretofore expressed, and its belief that the interests of all demand a full and conclusive examination of the whole matter of pork exportation.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 179.

Mr. Sargent to Mr. Frelinghuysen.

No. 111.] LEGATION OF THE UNITED STATES,
Berlin, February 24, 1883. (Received March 13.)

SIR: Referring to my No. 109, of February 17, acknowledging my receipt of your telegraphic instruction, dated the 15th, and stating my reading the same to Count Hatzfeldt, imperial secretary for foreign affairs, and stating the importance of the subject from the American stand-point, &c., I have now to report that the Bundesrath, on the 18th, unanimously approved the decree of prohibition of American pork products, taking no notice of the proposal of the President, if the same was brought to their notice by the imperial foreign office.

I have no official statement of the decree as yet. The Berliner Tageblatt of last evening contains the following:

As we announced, the Bundesrath has approved the ordinance on the prohibition of the importation of American pork, with some reservations, which seem to contradict the reasons given for prohibition, viz, that the meats are unhealthy. For instance, the commerce in such meat is not only permitted to German ships with other countries, but it is also allowed to the Hause towns to supply their ships with such meats.

The permission, according to rumor, has been given on the ground of the existing laws.

The power of the Bundesrath to issue such ordinances rests upon the Zollverein laws, and especially upon Article 2 of them. The Hanse towns, which stand outside of such Zollverein, do not thus come under the provision in question, and to obtain their adhesion the reservations were added.

Immediately upon the action of the Bundesrath becoming known to me, I prepared and sent to Count Hatzfeldt a note, a copy of which is inclosed, in which I called his attention to the honorable Secretary's telegram which I had submitted to him on the 17th instant, stating that I had promptly conveyed the proposal of the President through the only possible official channel to the imperial Government, and that it had been also widely published in the German newspapers, where it would unofficially reach the Bundesrath. I requested that an official copy of the late ordinance of the Bundesrath might be furnished to me, so that I might notify my Government of the exact terms of the response or constructive refusal made to this request of the President upon a matter of very much importance to the United States, and deeply affecting the trade relations of the two countries.

I, however, expressed my impression that the ordinance could only go into effect by the express approval of the imperial executive, and therefore asked leave to again call the attention of the imperial secretary to the proposal of the President, and to repeat what I had said at our interview of the 17th instant, that the United States view with concern this ordinance designed to destroy an important part of its export trade with Germany; that the United States had had the whole question of the soundness of American pork, the modes of rearing hogs and preparing the products for market, carefully and impartially examined, and are convinced by the report made to it, a copy of which I inclosed, that the attacks made upon the great article of product are unjust and prejudiced, and not in any degree warranted by the facts in the case. This being so, I stated that the President confidently relies upon the result that would follow the examination by a German commission, and invites the imperial Government to send such an one, and await its report before striking down an industry that not merely furnishes all the animal

food to large classes in Germany (a consideration more immediately addressing itself to the imperial Government), but causes great loss to the people of the United States, whose capital is involved and labor employed in preparing pork products for market.

I suggested further that there is no emergency in this matter that cannot await ordinary modes of dealing with questions of such moment, there being no apparent reason why this ordinance should be enforced this month, or year, more than last or the next, as there is no epidemic caused by German consumption of American pork, not even a well-authenticated instance of casual sickness; that high German scientific authority stated that the very rare cases of trichinosis found in Germany for years past have arisen from eating raw German and Hungarian pork, and that no case whatever is traceable to American pork, which is so cured as to be harmless.

I suggested that where the evidences of harm done are so shadowy, and are opposed by carefully grounded statements, and the interests involved are so great, the request of the President for investigation might well commend itself to the imperial Government as reasonable and statesmanlike, and consonant with the kindly relations existing between the two countries, a sense of which on the part of his imperial and royal majesty had been recently conveyed to me by the chancellor on the occasion of the generous relief extended by the citizens of the United States to the sufferers of the Rhine Valley. Believing the imperial Government to be animated by the sentiments expressed in the chancellor's communications, I believe it would not desire that the American Government or people should rest under a sense of injustice from the execution of this measure, yet such a consequence seemed inevitable where all modes of honest investigation had been exhausted by the American Government, with the result of apparently proving this product sound, and where daily experience shows none of the assumed inconvenience to either German or American health, and where the imperial Government is formally and courteously asked to look into the whole subject for itself before acting upon possibly interested advice, or in the absence of anything worthy the name of evidence. I therefore asked for a response to this proposal of the President, that investigation be had, and that meanwhile this serious blow to American interests be suspended.

I deemed it best to add, that as the United States are a large and growing consumer of German manufactures, and the food they export to Germany is their principal article of exchange, the laws of trade must dictate their obtaining the goods they import elsewhere if the equivalent which they furnish is refused. This would probably result even if the Congress did not meet the issue by legislation, under the belief that another motive than the unsoundness of American pork products caused this exclusion; though such a belief could not obtain, if fair investigation on the spot by German experts showed dangerous and peculiar unsoundness to exist. I expressed a hope that this many-sided question may be tested as its importance deserves.

As this question is a burning one, I have acted in advance of the receipt of your detailed instructions by mail, and keep you advised of progress, without waiting for the imperial secretary's reply to this note.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 111.]

Mr. Sargent to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, February 23, 1883.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, had the honor, in his interview on the 17th instant, with his excellency Count Hatzfeldt, imperial secretary of state for foreign affairs, to submit a telegram from the Hon. Secretary of State, Mr. Frelinghuysen, containing a request of the President of the United States, which telegram was in the following words:

"The President invites Germany to send a commission of experts to the United States to examine the raising and packing of hogs and pork products for food. He asks that the final decision on prohibitory measures be suspended until such commission adequately report."

This proposition of the President of the United States was promptly conveyed to the imperial Government through the only possible official channel, and was also widely published in the German newspapers, where it would unofficially reach the Bundesrath. The undersigned respectfully requests that he may be furnished with an official copy of the late ordinance of the Bundesrath in the matter, so that he may notify his Government of the exact terms of the response, or constructive refusal made to this request of the President upon a matter of very much importance to the United States, and deeply affecting the trade relations of the two countries.

As the undersigned is under the impression that this ordinance can only go into force by the express approval of the imperial executive, he most respectfully asks leave to again call the attention of his excellency, the imperial secretary, to the proposal of the President contained in the telegram above cited, and to repeat what he said in his interview with his excellency on the 17th instant, that the United States view with concern this ordinance, designed to destroy an important part of their export trade to Germany; that the United States have had the whole question of the soundness of American pork, the modes of rearing hogs and preparing the products for market, carefully and impartially examined, and are convinced by the report made to them, a copy of which is herewith inclosed, that the attacks upon this great article of product are unjust and prejudiced, and not in any degree warranted by the real facts in the case. This being so, the President confidently relies upon the result that would follow the examination by a German commission of the whole matter, and invites the imperial Government to constitute such an one, and await its report, before striking down an industry that not merely furnishes all the animal food to large classes in Germany (a consideration more immediately addressing itself to the imperial Government), but causing great loss to the people of the United States, whose capital is involved and labor employed in preparing pork products for market.

His excellency's courtesy will allow the undersigned to suggest that there is no emergency in this matter that cannot await ordinary modes of dealing with questions of such moment. There is no apparent reason why this ordinance should be enforced this month, or year, more than last, or the next. There is no epidemic caused by German consumption of American pork; not even well authenticated instances of casual sickness. It has been stated by very high German scientific authority that the very rare cases of trichinosis found in Germany for years past have arisen from eating raw German or Hungarian pork, and that no case whatever is traceable to American pork, the mode of curing which makes it harmless.

Where the evidences of harm done are so shadowy, and are opposed by carefully grounded statements, and the interests involved are so great, the request of the President for investigation may commend itself to the imperial Government as reasonable and statesmanlike, and consonant with the kindly relations existing between the two countries, a sense of which on the part of His Imperial and Royal Majesty has been recently conveyed to the undersigned by his serene highness the imperial chancellor, on the occasion of the generous relief extended by the citizens of the United States to the sufferers of the Rhine Valley.

The undersigned is fully aware that the imperial Government, animated by the sentiment expressed in the esteemed communications of his serene highness, would not desire that the American Government or people should rest under a sense of injustice from the execution of this measure. Yet such a consequence seems inevitable where all modes of honest investigation have been exhausted by the American Government with the result of apparently proving this product sound; where daily experience shows none of the assumed inconvenience to either German or American health, and where the imperial Government is formally and courteously asked to look into the whole subject for itself before acting upon possibly interested advice, or in the absence of anything worthy the name of evidence.

The undersigned, therefore, again calls attention to this express request of the President of the United States, and respectfully asks for the sense of the imperial Govern-

ment thereupon, that investigation be had, and that meanwhile this serious blow to American interests be suspended. Inasmuch as the United States are a large and growing consumer of German manufactures, and the food they export to Germany is a principal article of exchange, the laws of trade must dictate their obtaining the goods they import elsewhere, if the equivalent which they furnish is refused. This would probably result even if the Congress did not meet the issue by legislation under the belief that another motive than the unsoundness of American pork products caused this exclusion. Such a belief, of course, could not obtain if fair investigation on the spot by German experts showed dangerous unsoundness to exist.

Expressing the hope that this many-sided question may be tested adequately, as its importance deserves, the undersigned avails, &c.,

A. A. SARGENT.

No. 180.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 112.] LEGATION OF THE UNITED STATES,
Berlin, February 26, 1883. (Received March 13.)

SIR: The case of [Carl] William Scheibert presents such peculiar features that I beg to lay it before you, and to ask for definite instructions in case you think it proper that I should further intervene in it. That of the Staarbach brothers involves much the same considerations, and I group them together.

On the 20th of December, 1882, Mr. Julius Scheibert, father of William Scheibert, called in person at the legation and stated that he himself emigrated to the United States in 1856, and was there naturalized in 1864. His said son was born in New York, December 22, 1856. The father returned to Germany with his family, including this son, in 1869, where he has since resided.

The son returned to the United States after three years, and came back here in 1879, and has since resided here. On the 19th of December the son was impressed into the military service.

Upon this statement, which was the apparent evidence of an extreme case, I addressed a note the same date to Count Hatzfeldt, imperial secretary of state for foreign affairs, in which, after stating the above facts, I urgently requested him to have the case promptly investigated, and, if possible, that the young man should be set free from military service and allowed to return to his parents for the Christmas holidays, and until a definite decision could be arrived at, as I believed him to be an American citizen by virtue of both his birth and his father's naturalization, and not liable to military service in Germany; and that he had the right of any native-born American citizen to remain quietly in this country.

On the 28th of December I had a note from Dr. Busch, of the imperial foreign office, in which he assured me that the proper authorities had been instructed to expedite the matter, and the right was reserved to make further answer.

December 31 Julius Scheibert wrote to me that his son arrived at home on the 28th for a fourteen days' furlough, and praying me to take steps for his entire liberation. To this I replied that I had fully presented his son's case, and hoped for a speedy and favorable result, which should be at once communicated to him.

January 17 the father again wrote to me, stating that on the expiration of the furlough the son had returned to his regiment, stating his

own extreme distress, and asking that another furlough be demanded. An answer was sent to this, calculated to soothe his feelings, and induce him to await with patience the somewhat deliberate methods of the foreign office.

January 28 he again wrote, urging diligent attention to the case.

January 29 I addressed another note to Count Hatzfeldt, again calling his attention to the fact that Scheibert is an American by birth, who has resided twenty years of his life in America, and that his parents are naturalized citizens of the United States. Inasmuch as I was not aware of any case where a native-born American had been put into the German army against his will, I stated that I could not understand why an exception should be made in this case, or why the simple facts in the case should require so long to investigate and decide upon. As the parents of the young man were much disturbed by their son's compulsory detention in the army, I requested prompt decision, not doubting that it would result in Scheibert's release.

On the 30th I informed the father of my second application to the foreign office on his son's behalf, and that I hoped soon for a favorable reply. This letter the father misunderstood as an announcement that his son's release was already ordered, and then writes under date of February 8, expressing his pain that its promise was not fulfilled, and reiterating the reasons for the release.

On the 9th I called at the foreign office and had an interview with Dr. Busch, under secretary of state in the absence of Count Hatzfeldt, and made urgent representations in the case, asking for speedy decision, and the same day informed the father that I had done so, and that he had misunderstood my previous letter in supposing that it announced his son's release.

On the 16th of February I received a note from Count Hatzfeldt requesting me to call the next day at the foreign office, which I did. Referring to the Scheibert case, he said he wished to be agreeable to me, and do all possible things, but the case presented difficulties.

He then told me that the father became renaturalized as a Prussian when the son was fifteen years old, and had then all his family in Prussia, and named each of his sons, including [Carl] William, the eldest, in his written application for renaturalization; that this son remained in Germany thereafter until the time came to be of service in the army, when he absented himself for some years, but had now been back for several years, and had married and settled in Prussia and engaged in business here. He thought the son was naturalized a German at the time of the renaturalization of the father, and his acts tended to show that to be his understanding also. He read to me the petition of the father and decree of the court for naturalization, copies of which I inclose, with translations. I asked for copies, and stated that I could say nothing decisive without reflection upon these new facts; that neither I nor my Government wished to ask unreasonable things, and I might refer the whole matter to you for instructions.

I had, up to that time, acted upon this case upon the theory that Scheibert *père* had given me all the facts, and that his son was unquestionably an American citizen, and I did not doubt the father was one also. On the same date I caused the father to be informed that in answer to my inquiries I was informed that his son, during his first visit to Germany in 1869–'72, voluntarily and with the consent of his parents became a German citizen; that he is married here, and to all appearances had taken up his residence here, and wished to know if these statements were correct.

The answer to this letter was dated on the 20th, and stated that when his son was recently called before the authorities to ascertain his intentions, if he intended to remain in Germany, he replied, "Not if he would have to become a soldier." He does not admit or deny his or his son's naturalization as a Prussian, but says the latter is not yet married, though engaged to be. It is possible I misunderstood Count Hatzfeldt in that particular, as he spoke in French. He insists that his son would not wish to remain here if he had to be a soldier, and complains that the advice of the consul at Bremen had deceived his son into security. The consuls are usually quite discreet in turning over such questions to me, as out of their province. * * *

On the 20th of February I received the accompanying legitimatization papers, and wrote to the father that I had before me copies of the document submitted by him January 20, 1870, to the magistracy of Nienberg, wherein he applied for himself and family, naming each of his children, to be readmitted to Prussian citizenship, stating that he had built a house, and intended to settle down permanently with his family; also of the decree of the magistracy granting the request. Although all my previous letters had been promptly answered, he has never responded to this one.

Copies of all this correspondence I inclose, that you may have the whole record before you. My examination of cases does not show to me any one in which the same question has arisen, and I respectfully ask your views upon it.

The following considerations present themselves to me:

The Scheibert father gave up his American citizenship for himself and family in 1870, naming this son, then sixteen years old, in the document, in which he prayed to be admitted to German citizenship. This son was then with him in Germany. By United States law it is held that where a German becomes naturalized in the United States his minor children who are with him become naturalized by the act also. I do not see how it can be claimed by the United States that the naturalization of a German in the United States naturalizes his minor children, and yet denied that the naturalization of an American in Germany does not naturalize also his minor children here. If the above consideration is not conclusive, as it may well be held to be, there are circumstances of ratification by the son which tend to fortify the view that this man is a German subject. Thus, being naturalized when sixteen years old, he staid here two years thereafter, and then went to the United States when eighteen years old, and when twenty-three returned here, where he has since remained four years, engaged himself to be married, and has settled down permanently. When questioned by the authorities if he intended to remain in Prussia permanently, he said he would if he did not have to serve as a soldier. America he might use as a convenience to escape military duty, but he was willing to keep this as his home, only not to render an equivalent of service for the protection which he would receive here. His casual absence in the United States after his naturalization here was not for the purpose of regaining American citizenship, for he does not appear to have taken any steps to that end, but probably to avoid military service, which, as a Prussian, he was liable to. He has devoted himself for the past four years to comfortably settling down here as a German, upon the theory that he could at last do it without performing the duties of one, and if worse came to worse, would plead that he was born elsewhere.

These acts tend to create an *estoppel in pais;* to ratify the act of th e father to justify the view of the imperial Government.

The father has two other sons, also born in America, who are serving in the German army without question on his or their part. He suddenly takes exception when this one is called on for that purpose, but conceals from me the fact that he had applied for and obtained renaturalization for himself and family.

This case illustrates the difficulty that sometimes occurs in getting the truth from the excited or secretive applicants. Like some suitors in law courts who fear to tell their lawyers the truth, these claimants sometimes conceal the essential points in their cases, and lead the legation upon a mistaken track.

Considering the peculiarities of this case, the strong reason there is for holding young Scheibert a German subject, the little value he places on any possible right from his birth by his avowed desire to live in Prussia if he can escape military service; and believing that indiscriminate demands on the imperial Government for all sorts of pretenders to Americanism should not be insisted on, but only legal and judicious ones made, such as commend themselves to our own judgment and conscience, I have informed Mr. Scheibert that I can do nothing more in his son's case until I have definite instructions from the State Department, to which I would refer the whole matter.

The case of the Staarbach brothers involves much the same principles. The young men were born in the United States in 1857 and 1859, respectively, returned with the father to Alsace in 1871, where they have since lived, and the father became renaturalized when the sons were fourteen and twelve years old, respectively.

The facts in this case were called to my attention by a letter of Consul-General Vogeler at Frankfort, a copy of which is inclosed; and I inclose a copy of my reply to him, wherein all the facts are stated, and the considerations governing the case are fully discussed. In that case I beg to direct attention to what I say about the additional element of difficulty, inasmuch as the youths are residents of Alsace.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 112.—Translation.]

Count Hatzfeldt to Mr. Sargent.

FOREIGN OFFICE, BERLIN, *February* 18, 1883.

The undersigned has the honor, referring to the personal interview of yesterday, to inclose herewith for the information of Mr. A. A. Sargent, envoy extraordinary and minister plenipotentiary of the United States of America, a copy [of] proceedings at Nienberg on the 20th of January, 1870, according to which the American citizen, Julius Scheibert, made application to have Prussian citizenship conferred [on] himself and family, among which was his son William, born December 22, 1856; also the answer referring to the application dated February 3, 1870, conferring the requested naturalization.

The undersigned, while remarking that the investigation into the citizenship of W. Scheibert has not yet been completed, and that consequently he reserves to himself the honor of a further communication as soon as a definite result shall have been reached, avails, &c.,

HATZFELDT.

[Inclosure 2 in No. 112.—Translation.]

The landmarschal of Hanover to the magistrate of Nienberg.

ROYAL PRUSSIAN LANDMARSCHAL'S OFFICE,
Hanover, January 31, 1870.

In answer to the report of the 21st instant, we do hereby consent to the reinstatement of Julius Scheibert, baker and confectioner, of New York, as a Prussian subject, permission having already been given to the said Scheibert to take up his residence in Nienberg by the magistrate. Said Scheibert is to be informed of this in our name.

LEIPZIGER.

NIENBERG, *February* 3, 1870.

A copy of the foregoing is herewith transmitted to you in lieu of any special reply to your written application of the 20th of last month.

The magistrate:

[Signature.]

To Mr. Julius SCHEIBERT, *Baker, Present.*

[Inclosure 3 in No. 112.—Translation.]

Application of J. Scheibert to become a German citizen.

Done at the magistracy of Nienberg, January 20, 1870.

There appears before us Julius Scheibert, baker and confectioner, and deposes upon proper examination as follows:

I am a son of August Scheibert, farmer, who is still living, of Broessow, in the district of Prenzlau, in the jurisdiction of Potsdam, born on the 2d December, 1833, in Broessow. In the year 1856 I emigrated to America and settled down in New York, where I lived until my return to Germany. In New York I was married to Ernestine Denker, of Nienberg; from this marriage there issued seven children: William, born December 22, 1856; Henry, born December 19, 1858; John, born December 15, 1860; Francisca, born January 8, 1862; Johanna, born December 31, 1864; Julius, born October 19, 1866; Christian, born May 1, 1869.

I can prove these statements by certificates of baptism, or perhaps correct any misstatements as to the proper dates by exhibiting—

1. A citizen paper, dated New York, June 8, 1864, which proves me to be a naturalized citizen of the United States of America.

2. A passport of June 22, 1869, identifying me as an American citizen.

[On the part of the magistracy, these statements, after a careful examination of the papers, are pronounced to be correct.]

I left the Prussian Monarchy in the year 1856, without a permission to emigrate; but I can prove by the exhibition of a certificate dated Prenzlau, August 28, 1855, that I reported for duty and was placed in the army reserves by the royal department of the Ersatz commission.

[On the part of the magistracy this is corroborated.]

If my withdrawal from the Prussian territory without permission to emigrate be a punishable offense according to laws then in force, it has ceased to be such now. At present I am building me a house here in Nienberg, as is well known, for the purpose of carrying [on] the baker business, and intend to settle here permanently with my family, and desire to be again reinstated as a Prussian subject.

JULIUS SCHEIBERT.

[Indorsement.]

Further necessary steps shall be taken.

Certified to.

SCHWARZKOPFER.

[Inclosure 4 in No. 112.]

Mr. Vogeler to Mr. Sargent.

CONSULATE-GENERAL OF THE UNITED STATES,
Frankfort-on-the-Main.

SIR: I have the honor to inclose herein copy of a letter addressed to me by L. Staarbach, of Strasburg, Alsace, dated February 21, and two orders, inclosures to said letter, commanding Rudolph Staarbach and Julius Staarbach, sons of L. Staarbach, to report on the 26th instant in person to the military recruiting commission for the district of Strasburg.

In transmitting the request of Mr. Staarbach, as expressed in his letter, I beg to state the case of Rudolph and Julius Staarbach, as I understand it from verbal statements heretofore made to me by Mr. Staarbach and sundry written communications received from him.

Mr. L. Staarbach lived in the United States many years, and did business there, and in due time became a naturalized citizen. His said sons were born after his naturalization. While these sons were minors Mr. Staarbach returned with them to Alsace.

This took place, I think, before the annexation of Alsace to Germany. Mr. L. Staarbach, while his sons were still minors, surrendered his American citizenship and elected to and did become a German subject. He is doing business at Strasburg, his said sons, who have both passed the age of majority, being associated with him. They have declared to the German authorities that they intend to remain American citizens; also that they intend to return to the United States for a permanent residence, but being pressed by the authorities have failed to fix a time for their return. The authorities have deferred action, but have from time to time importuned them to fix a time for their departure. They now take a definite step.

Pursuant to Mr. Staarbach's request, and without expressing any opinion in the matter, I submit the case to your consideration, feeling confident that you will take such action in the premises as the nature of the case requires.

I am, &c.,

FERDINAND VOGELER,
Consul-General.

[Inclosure 5 in No. 112.—Translation.]

Mr. L. Staarbach to Mr. Vogeler.

STRASBURG, *February* 21, 1883.

Inclosed I beg leave to forward two military orders of the burgomaster of this place, from which you will perceive that the local police authorities have had the impudence to call upon two American-born citizens for military duty, a proceeding which caused a general indignation here. The two sons, Rudolph Staarbach, born in New York, July 13, 1857, and Julius Staarbach, born in New York, November 6, 1859, are not at all inclined to obey this illegal summons, nor even to leave the city, as they have formerly repeatedly been importuned to do in this matter, but they insist upon their American citizen rights; and are of an age when they can certainly not be interfered with in their actions, in spite of the opinion which seems to prevail here, that even those children who are born in America must needs follow the nationality of their father.

I would request you most urgently to bring this case before his excellency Mr. A. A. Sargent, the American ambassador in Berlin, and ask his speedy help and protection.

I look forward to a kind answer as well as further advice how I am to conduct myself in the matter.

With much respect,

L. STAARBACH.

As the examining commission meets next Monday, I beg you to ask Mr. Sargent to take speedy measures to bar these proceedings.

[Inclosure 6 in No. 112.]

Mr. Sargent to Consul-General Vogeler.

LEGATION OF THE UNITED STATES,
Berlin, February 24, 1883.

SIR: Your esteemed letter concerning the case of the Staarbach brothers is received. The young men were born in the United States in 1857 and 1859 respectively, of a German-American father; returned with him, some time before 1871, to Alsace, where they have since lived, they being then not over fourteen and twelve years old. The father became renaturalized as a German citizen. The authorities have summoned the sons to appear for military service, after repeated inquiries of them as to their intentions about going to America if they considered themselves as American citizens—the young men responding that they claim to be American citizens, but declining to go, or to fix any time for going there, and the authorities at last taking the decisive action above stated.

The question raised in this case is now pending [in] the imperial foreign office in another case, and I have referred it to the Department for instructions. It is simply this: Does the naturalization of an American citizen in Germany, by which he becomes a German subject, work the naturalization of his family, including his minor sons who are then present with him in Germany? For the purpose of this question a native and a naturalized American may be held as on the same footing.

By American law and practice the minor sons of a German naturalized in the United States, if then with him, become Americans. Do not the minor sons of such an American who may be naturalized a German become German subjects, if with him at the time in Germany? Can we insist on one doctrine for ourselves and another for Germany? It seems to me not.

Had these youths promptly, on gaining their freedom at majority, gone to the United States and assumed the duties and functions of American citizenship, any defect in their title to this would probably have been passed *sub silentio*. Instead of so doing they have settled down here, engaged in business, perhaps married and ratified their father's acts by their own except so far as indefinite declarations go, which were made merely to avoid service to the country whose protection they seek and enjoy.

Until corrected by the Department, I must hold the American citizenship of these parties to be doubtful at least. The foreign office considers such persons as naturalized with the father, according to the American doctrine. I do not see how these young men can escape military service if they remain in the country.

There is another complication in their case: The foreign office has not yet formally admitted, and has heretofore denied, that Alsace-Lorraine is covered by the naturalization treaties which were made with the original separate States before the Empire and before the acquisition of those provinces. If it should revive this consideration in this case, the only ground on which it would consider it would be one of national comity, which, of course, must be consistent with its own views of justice to itself. As already said, it looks upon youths so circumstanced as naturalized with the father; and its own rights and interests are involved not to surrender to us those whom it considers as its own subjects.

I may add that the United States has some right to be considered in this matter, and to require that those who expect to rely upon its protection in the sacred name of citizenship shall in some way, except by barren declarations to foreign officials, show their fidelity to it.

I have, &c.,

A. A. SARGENT.

No. 181.

Mr. Sargent to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Berlin, March 8, 1883.

Mr. Sargent telegraphs that he immediately presented the request of the President, and that while Bundesrath's action was adverse, he again protested strongly; asked an answer to the President's proposal and suspension of action.

No. 182.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 120.] LEGATION OF THE UNITED STATES,
Berlin, March 12, 1883. (Received March 29.)

SIR: A remarkable agitation in Germany for months past has attracted my attention, and I have several times thought of laying the subject before you, with the arguments pro and con which are advanced, and such reflections as occurred to me thereon. I regret that want of time may prevent these latter from being as thorough and philosophical as I might desire. I refer to the matter of German colonization, which is strongly advocated on the one hand by influential statesmen, university professors, colonization societies, and a large part of the press, and opposed by some incisive voices, perhaps less clamorous, but aided by the difficulties in the way of realizing the wishes of those who favor organized colonization, and the *vis inertia* that always impedes great social and political undertakings. Professor Treitschke, the great historian, who has great following among the students of the Berlin University, is strong in his lectures for the idea that the want of colonies is the pressing need of Germany, and that if this country would grow it must have these, by peaceful methods if possible, if not, by other means. In his lectures, South America and Africa are mentioned as possible acquisitions. He lays stress upon the fact that emigration in its present unorganized form takes away continually the young and competent, the expense of whose education, he states, the Government estimates at $2,000 per head, and of all this, he complains, America gets the principal benefit. Two other strong men, Professors Schmoller and Wagner, leading political economists, are teaching the same doctrine. Among the names of those who attended and who sent approving letters to a recent colonization society meeting, held at Berlin to promote this object, the counterpart of similar societies at Frankfort and elsewhere, were Count Von Moltke, the president of the Reichstag, Levzow, Duke Ratibor, Prince Radziwill, Dr. Stephan, the postmaster-general, and other eminent persons.

The Norddeutsche Allgemeine Zeitung recently published an article on "The Burning Question, Colonization," in which it said that the climate of Samoa and the lands between the tropics invite German colonization, and that the climate is not more unhealthful for the northerners than that of many countries of Southern Europe. If work there is an exertion, one-fourth of the work required elsewhere will produce the same result. It asserted that Germans can work without risk on coffee and tea plantations. This is but a specimen of the continual teaching of the press, and is in the line with the motives which made England an early and France a late colonizer, the former securing such foothold around the globe that it is everywhere at home and in the most eligible situations, the latter directing its efforts to secure as much as possible of the remaining unoccupied, uncivilized crust of the earth, as in Africa, Madagascar, and elsewhere.

Judging by such study as I am able to give to the subject, I find three kinds of interests pressing here for the gaining of colonies:

1. Trade and industry seek commercial stations, in which regions slightly possessed by European culture, may, through cultivation, be

opened for the exchange of German products for the products of other climates.

2. A vast emigration seeks lands for colonial agriculture: lands on which German workmen may settle and profitably till the soil.

3. The state seeks colonies for her criminals, to save the expense of penitentiaries, and to give to the criminals a chance to keep themselves and others by their work.

The second point is the most pressing. Germans go abroad and are absorbed in other nationalities, and entirely lost to the fatherland. Hence it is held that the most momentous of all needs is that of colonies for agriculture, to which workers of all classes can go without severing their connection with the home country and losing themselves in foreign interests. It would seem that such a colony is only possible under a suitable climate—one adapted to the northern nature of the German laborer; and very little of such territory is now left, it having been appropriated by other peoples. The great and fruitful regions fit for agriculture are already occupied, and it could only be exceedingly small portions that could now be found, useful perhaps to a few emigrants, but not worth the exhibition of the German flag, or the name of a separate colony. From year to year the extent of non-possessed coast line diminishes, under the peculiar covetousness of modern times, that divides the last bits of earth. With England and France rivaling each other in bringing under their respective control the remainder of the globe, the aspiration of the German mind for lucrative colonies is difficult to realize; so that it would seem the Germans going abroad must still become, as now, the guests of foreign states, and the gains of their labor inure to the stranger.

The surplusage of German population reaches 600,000 polls yearly. The friends of colonization say that the best possible use of the acreage of the Empire, with the most perfect organization of labor, will prove inadequate to nourish this yearly accretion to the population. "Yet," say these, "where will there be a bit of ground to be found in 1900, upon which the flag of some other nation will not wave? Shall we forever let our sons go out among other foreign peoples, while other European countries send their children to their own colonies? Shall we go about the world begging at foreign doors for an opportunity to go in, only on condition that we give up our nationality?"

Such appeals to national pride count for much with a martial people. But Germany has been for only a few years a nation in its present sense, and only recently has realized the need for an outlet of its people into a reservoir instead of into a stream. It has never earnestly tried colonization, and therefore it cannot be said that it does not understand and could not accomplish colonizing. The Germans certainly understand it as well as the English did in 1600: they were the best colonizers in Europe in the eleventh, twelveth, and thirteenth centuries; and their natural resources are greater than those possessed by Denmark, Holland and Portugal, when these followed the shadows around the world, and selected from virgin wastes the most eligible spots for future empire. Unfortunately for Germany, the opportunity for selection is almost entirely closed.

As the name and individuality of the United States continually occur in these discussions, and its interests are directly concerned in the ultimate decision of the practical question, I ask your pardon if I advert to some of the considerations suggested by this German colonization problem.

Assuming that there is a great increase of population in Germany,

a necessarily limited acreage, a consequent emigration, and extremely confined area outside of possessed regions available for colonization, are these fraught with the misfortunes to Germany commonly supposed, to avert which, colonizable possessions should be seized, as one orator has declared, "with blood and iron"?

One writer thus fills out the picture:

> Increasing importation of corn and cattle, because of the German agriculturist's inability to meet the demand; a constant decline in demand because of constant rise in prices for food, followed by a rise in everything; constant decline in wages because of constant increase in the number of work-seekers; decline of industrial product because of constant decline of national wealth; increasing impossibility to save, and consequent decline in purchasing power: in a word, rapid increase of pauperism and social distress.

This startling picture would be frightful if there were not many reasons to believe it fanciful. The population of Germany produces a considerable annual surplus unquestionably. But the increased importation of corn and cattle does not necessarily argue a gloomy future, although this is a sore point with German agricultural classes, and supplies the motive for prohibitive legislation against our products. Where there is an increased population, an increase of the importation of food stuffs is not only natural but welcome, in that it facilitates the support of the people. It may even be increased where a people does not increase as rapidly as here, if a portion of the people turns its attention to industrial pursuits, and much of the labor which was formerly engaged in the cultivation of corn and the rearing of cattle exclusively, has so turned its attention to other pursuits, and thus led to an increased consumption. Political economists hold that increase in numbers of a people has a tendency to go so far as its means of subsistence, compared to its other wants, will permit. Each expansion of the food relations draws an increase of population after it; and curtailed food supply checks increase.

There are not at present many indications of an overpopulation in Germany. If there are complaints in certain parts, as in Upper Silesia and a part of Saxony, the reasons seem to lie in the characteristics of those particular peoples who lack the disposition to emigrate to other parts of the country, and cling to the homes and trade (weaving) of their ancestors. The same inferences are legitimately deduced from the fact that the consumption of meat and bread is greater in the coal and industrial districts than in the purely agricultural districts. When the agriculturalists of Germany complain of the surplus importation, and demand prohibitory measures, they apparently do not consider the quantities of field products which are employed in other directions.

The increase in the importation of food is in itself no bad sign, but rather an indication that the people has increased its wants, and has the means to satisfy them. The fear of American production is based on the idea that the United States move on perpetually, while Germany stands still. This fear has for its basis whatever may be predicated on the influence of increasing military armaments in Europe, causing the industrial force to suffer both quantitatively and qualitatively, lessening the production and interrupting the education of the mechanic at the time when his mind is the most susceptible to instruction. Thereby, certainly, the productive equilibrium between Europe and America might in time be destroyed in favor of the latter, and bring about an emigration whose dimensions might cause exactly the reverse of the fear of overpopulation.

Strangely enough the movement for colonization in France is urged for exactly opposite reasons from those advanced in Germany. The call

for a more active emigration there to French colonial possessions under supervision of the state, is made to avert depopulation. Colonization is to counteract the decrease of population. French advocates of this remedy show that the population of England has increased threefold, although it had populated America and Australia; and that, since the time of Alexander I, the Russian population has doubled, as also that of Germany, in spite of emigration; and they attribute the acknowledged small increase among the French to their repugnance to emigration, and their objection to a division of paternal estates. It is alleged that the birth of a second son in the French provinces is looked upon as a calamity. Hence elbow-room is required to be made by colonization, to stimulate a greater increase; and the surplus is to be hoarded in colonies which may send a reflex tide of population in case of need, and feed home trade from patriotic motives. However problematical the latter result may be, the scheme involves the fundamental truth that the increase of a people is regulated partially by the more or less easily acquired means for their support, and that the room made by emigration is soon again filled out, providing the means of subsistence is thereby made easier. These theorists are apt to overlook the fact, however, that the emigrant to a foreign land is apt to go under, unless he takes with him or develops more energy and activity than his old surroundings required him to exert; for, nowhere is the struggle of life a more bitter one than in securing the foundations of a new home in foreign lands.

Colonization organized by the German Government would, in the opinion of its friends, not only prevent overpopulation, but would react favorably upon the fatherland, and make ample returns for the sacrifices of the states if the colony remained attached to this country. I find here grave matter for doubt. The cost of emigration consists in the outlay for transportation, the purchase of lands to be cultivated, the implements of agriculture, and the expenses of the temporary maintenance of the emigrant until he is able to support himself, probably for a full year. To defray all this the people remaining at home must be taxed, and the capital is in fact lost to them. Emigration, even without the aid of the Government means, is, in this view, an enormous loss to the national wealth. As a rule absolutely poor people cannot emigrate; and if from any district more than ordinary emigration takes place, it is almost evident that want in its broader sense was not the reason, but rather that the emigrants were recruited from those who were not paupers, but those who, with the assistance of money saved, hoped to improve their condition abroad. Social and religious motives may induce some such movements; but usually they spring from substantial interests. Legal obstacles to acquiring real estate, as in Mecklenburg, or a too great division of large estates, as in some parts of Germany, also have driven vast numbers of the German peasantry to America, causing a great loss of capital to Germany. But such loss by no means compares with the expenses that would be involved by an emigration at the cost of those who remained at home. The smallest number necessary to be sent abroad annually to avert overcrowding is estimated at 300,000. To carry these abroad would involve an expenditure that means bankruptcy. In 1823 England paid £22 per head for emigrants to settle in Canada. Accepting that sum as normal—and it is not an overestimate in the present day—the outlay for the experiment would beabout 150,000,000 make annually.

But the friends of organized colonization meet this imposing array of figures by pleading the necessity of the case, and by the confident

assertion that the annual loss to the country would be balanced by the commercial intercourse of the colony with the fatherland. This is obviously a delusion. Colonies are governed by the self-interest that induced the emigrant to leave his native country to better himself elsewhere. The colonist will trade with the mother country so long as it is for his interest, and no longer. The colony will even interpose the barrier of a protective tariff against the mother country, as against all the world; and, if hard pushed or treated contrary to its interests, it will rebel, as did the United States and the American colonies, and as would the British colonies if every concession were not made, even to their sensitiveness. In fact a colonist regards his mother country only so far as it gives to him material and moral support. He asks of it capital, labor, means of communication, protection, &c.; but he offers nothing in return, and seeks the best market for his needs and products.

The advocates of organized colonization believe that the most eligible place left for a grand scheme for German colonization is the La Plata states; thereafter the southern part of Brazil, the Rio Grande do Sul, Santa Catharina, Parana, Uruguay, Argentine, Chili, Northern Patagonia, and also Paraguay. It is lamented that the immense stream of German emigration which flows into the United States had not been directed at the beginning to South America, for then a mighty German Empire, called the "United States of South America," would be the consequence. As it is, their wealth, their labor, their industry, their productive and consumptive power, are lost to Germany forever. It can easily be supposed that in the course of time the "United States of South America" would have assumed an attitude to Germany similar to that taken by the United States to England, and La Plata would have as little remained a Rhine as the Hudson a Thames. The interests of that problematical southern community would scarcely have been identical with those of the fatherland, in spite of kinship of language and descent. Trade is cosmopolitan in its habits, and goes where it finds the best markets. Although the Argentine Republic formerly belonged to Spain, and in spite of its Spanish character and language, it has a fivefold greater trade with England than with its former country, while its traffic with Germany is quite as large as with Spain. The controlling test in all such cases is found in the ability of the mother country to compete with other countries in furnishing its colonies; and its advantages are as great in furnishing the colonies of other countries as in furnishing its own. Hence, to my mind, the whole proposition is built upon a fallacy.

The assumption that emigration is an unmixed loss to the mother country is too broad. For instance, German shipping interests have largely profited by it. * * * The trade has undoubtedly increased with increased emigration, and is more than an accidental coincidence. Transportation of emigrants brings about a cheaper transportation of goods, and the influence of the unceasing movement to the United States has greatly stimulated German markets. It is by no means a one-sided profit.

English emigration statistics show that the possession of colonies does not much influence the direction of the currents of emigration. Although the interests of England may be supposed to be served by its emigrants going to Canada or Australia, a large portion of them go to America. In 1871, 161,782 English went to the United States, while only 48,000 went to all other places In 1878, owing to a panic in America, the emigration to the colonies predominated, there being 54,694 to the United States and 66,106 to other places; but in that

year German emigration to the United States sank from an average of 107,201 to 31,058. From 1853 to 1878, 2,767,218 English subjects went to the United States, against 1,663,729 to English colonies.

This preference for the United States is natural. The emigrant finds there a well-regulated state, every facility for communication with his old home, vast resources, and a deep-rooted civilization, side by side with an ample field for future material and intellectual development. The climate is more European than in any other transatlantic country. All the advantages offer themselves at a comparatively short distance from his native country, to be reached at a slight expense. In spite of all the praises sung of South America, its prospects in every respect fall far behind those of the United States, and it is at best an exceedingly problematical refuge for the emigrant. Africa, the only other country that affords anything like an open field, is inhabited by a race that does not disappear like the Indian before civilization, but rather increases, and disputes the soil as stubbornly as hardy weeds do more delicate plants. That has been the experience of the English in South Africa.

I think the conclusion from these facts is that emigration will not be forced into any channel that does not lead to a convenient and promising goal. The emigrant does not forsake his native country from patriotic motives, but rather because his fatherland is too narrow for him, and he goes to find a new home where he may get compensation for the privations he suffered in his native land. His regard for the fatherland may be manifested in generous contributions, such as those recently sent from America for the relief of the sufferers from the inundation of the Rhine district, but when the course of trade or questions of individual interests are concerned, his thoughts take the tinge of his surroundings.

The agitation for the colonization of Samoa at public expense has again been revived, and new reasons are discovered why these islands are adapted to German colonists. Stress is laid upon the fact that the lion's share of the trade there is in German hands, and that the natives have most confidence in them, but the scheme is quite feeble, and the assumption of superior German trade is not entirely accurate, inasmuch as the Godeffrois, the principal German merchants there, have gone into bankruptcy. Experiments have recently been made in Berlin in the production of soap from Samoan cobra, under the auspices of Professor Liebreich, of the royal laboratory, and some statements worthy the attention of a private stock company have been made. A manufactory for this soap is about to be established in Germany, but the Government seems to remain passive upon the question, not deeming the sacrifices it might be called upon to make to be compensated by any probable national gain. Except as a naval station it would be hard to see any particular advantage to Germany in planting a colony at great expense on this remote island, while some undesirable foreign complications might arise.

In conclusion, upon this whole question I may remark that there are peculiar reasons why Germany could not easily hold possessions abroad. Its geographical position forbids it. England, as an island, is secure against invasion, and can therefore send assistance to her colonies without impairing her defensive powers at home. The United States has an enormous sea-coast; its states are not separated by a sea; its peaceable and comparatively feeble neighbors give it no uneasiness, and it could support a relation to its colonies if its policy ever dictated it; but Germany has a limited coast; its navy is not calculated for extensive

enterprises; its neighbors are dangerous at all times, and require of it occasional exertions and constant expensive military preparations that absorb its means and energies and forbid it to incur the liabilities which its self-respect would impose upon it as a colonizing nation.

I therefore believe that this agitation will be barren of important results, and that the United States will receive, as heretofore, the fertilizing stream of German emigration which has aided in its magnificent development.

I have, &c.,

A. A. SARGENT.

No. 183.

Mr. Sargent to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Berlin, March 14, 1883.

Government declines to investigate or suspend order.

SARGENT.

No. 184.

Mr. Frelinghuysen to Mr. Sargent.

No. 98.] DEPARTMENT OF STATE,
Washington, March 14, 1883.

SIR: I inclose herewith for your information a copy of an interesting letter from Messrs. Armour & Co., of Chicago, concerning the exclusion of American pork from Germany.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 98.]

Armour & Co. to Mr. Logan.

CHICAGO, *March* 1, 1883. (Received March 8.)

DEAR SIR: The recent action of the German Government, in prohibiting the importation of American hog products, it seems to us, demands some effort towards checking a policy that must unquestionably result (if persisted in) in disaster to the farming interests of Illinois and the Northwest. We know that your familiarity with this subject renders it unnecessary for us to enlarge upon it for your information, but recognizing and acknowledging, with thanks, your former interest in this question, we now beg to ask your co-operation in the adoption of some measure calculated to bring about the speedy repeal of existing prohibitory decrees, or at least to render their adoption in other quarters less attractive than at present.

Knowing, as well as ourselves, that the sanitary pretexts of both the French and German Governments need no arguments, we feel that you will heartily support any wise retaliatory measure brought forward to counteract their disastrous legislation. And while aware that you are fully informed as to the magnitude of the interests thus attacked, we may state, from our intimate relations with this most important Illinois industry, that the time cannot be far distant when our own and adjoining States will suffer to the extent of millions of dollars.

We refrain from inflicting upon you at length the reasons for this conviction, which to us present the feature of absolute certainty, because we feel that your own information is ample, and that you must, having already broadly considered the matter, fully agree with us.

We therefore confidentially request that you will make some effort, retaliatory in its character, the details of which you can much better suggest than ourselves, and will conclude by saying that while our own interests are necessarily involved, they are, as you know, secondary to those enormous interests which involve the welfare of the State to as great a degree, perhaps, as those of any other important industry.

The time, we suppose, being short for action during the present Congress, we, of course, leave the matter in your hands, hoping you may be able to do something either before or after the close of the present Congress, but as promptly as your numerous duties (and the importance of the subject) will permit.

Yours, truly,

ARMOUR & CO.

No. 185.

Mr. Frelinghuysen to Mr. Sargent.

No. 99.] DEPARTMENT OF STATE,
Washington, March 14, 1883.

SIR: Your No. 111 of the 24th ultimo, concerning the decree prohibiting the importation into Germany of the hog products of the United States, has been received.

The note addressed by you to Count Hatzfeldt on the 23d ultimo, in relation to the President's invitation to the imperial Government to send a commission of experts to the United States to examine into the operations of hog raising and packing here, based as it was on the brief telegraphic instruction sent to you, has, in the main, anticipated the instruction No. 87, dated the 16th ultimo, and presented with considerable fidelity the considerations contained therein in support of the President's invitation.

It must, however, be observed that you have to some extent gone beyond the intention of the President in the concluding part of your note to Count Hatzfeldt. You therein say:

Inasmuch as the United States are a large and growing consumer of German manufactures, and the food it exports to Germany is a principal article of exchange, the laws of trade must dictate its obtaining the goods it imports elsewhere, if the equivalent it furnishes is refused. This would probably result, even if the Congress did not meet the issue by legislation, under the belief that another motive than the unsoundness of American pork products caused this exclusion. Such a belief, of course, could not obtain if fair investigation on the spot by German experts showed dangerous unsoundness to exist.

So far as your intimation touches the operation of the laws of international trade, it is unexceptionable. Those laws control themselves, and commerce must perforce work its own channels in the most natural directions; but when you go further and indicate the possibility that this Government may resort to retaliation if its views be not assented to by Germany, you introduce an element which it was not intended to present.

The action taken by this Government was unusual, and necessarily presupposed that the direct proposal of the President to the imperial Government would be entertained in the same frank spirit in which it was proffered; and, no doubt, it will yet receive a courteous reply, whether favorable or unfavorable.

It may be that His Majesty the Emperor may decline to send hither such a commission as has been proposed, through unwillingness, pos-

sibly, that the results of its labors should have a binding effect upon his Government, such as might naturally be supposed to follow from a commission created by imperial order. The German Government has an undoubted right to withhold its concurrence in the suggestion of the President and the exercise of this right would give no occasion for offense. It is the duty of governments to be jealous of the health and careful of the interests of the citizens or subjects, and the President does not seek to support an appeal to the German sense of equity by any menace.

In this view of the matter, therefore, any intimation, such as is contained in your note to Count Hatzfeldt, that retaliation might ensue in the event of a refusal, was out of place.

If the imperial Government declines to send the suggested commission to examine into the operations of hog raising and packing in the United States, it is more than probable that the President will cause such an examination to be made in so thorough and impartial a manner as to satisfy that Government that the health of the German people will not be imperiled, but rather promoted, by the importation of American pork. But it is, of course, impossible for the executive branch of this Government to anticipate what may be the action of the Legislature of the United States, if the prohibitory measures contemplated by Germany should be adhered to.

Lest the statements in your note of February 23 might prove liable to misinterpretation, you are authorized to make the contents of this instruction known to Count Hatzfeldt by reading it to his excellency, and, should he desire it, by leaving with him a copy. In doing so you should state to him that this instruction is explanatory merely, and does not put on record a censure of your course.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 186.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 121.] LEGATION OF THE UNITED STATES,
Berlin, March 15, 1883. (Received March 27.)

SIR: Your instruction No. 87, of 16th February, was received March 10. On the 13th, the first subsequent opportunity, I called on Count Hatzfeldt, and, in obedience thereto, read it to him and left with him a copy. He said he had my last note on the subject, and that it had been submitted to the chancellor, who had written to the German minister at Washington on the matter. I asked him if I might understand that this communication to Washington was evidence of a purpose to convey through some other channel the answer to the President's proposal which I had submitted, to which he replied "Not at all." I then said, if the matter, then, was not foreclosed I would remind him that the ordinance was impending, and the United States Government had submitted a definite proposition for a commission, and that unless the imperial Government is so clear in its conclusions that evidence could not change it, or unless it had other motives than the unsoundness of Ameri-

can pork for its prohibition, so that evidence was unimportant, it would appear that this proposition of the American Government should be accepted.

Count Hatzfeldt replied that Herr Bojanowski, president of department No. 2 of foreign affairs, was fully in possession of the views of the chancellor on the matter, and requested me to have an interview with him. As the latter is an officer intrusted with all commercial duties and relations, and equal in station with the secretary, I consented to call upon him to learn the decision of Prince Bismarck, in case an appointment were made for me, Count Hatzfeldt stating that the copy of the instruction which I presented should be laid before the chancellor. I had no doubt, however, that the answer it would get from Herr Bojanowski would be unfavorable. * * *

To-day, at 2 o'clock, I called at the ministerium and had an interview with the president of department No. 2. He stated that instructions had been sent to Mr. Von Eisendecher about the matter. I asked if a commission would be appointed to investigate the alleged unsoundness of American pork products, and he said "No." I asked him if the ordinance would be suspended until Mr. Von Eisendecher's response could be had, or until the latter had consulted with the Hon. Secretary of State, and he said "It will not." I said, "Very well, that answers my questions; and I will communicate the facts to my Government for such further action as it deems proper." * * * I deemed it indiscreet to ask the nature of Mr. Von Eisendecher's instructions, and if they contemplated investigation. I presume he will lay before you whatever his Government would wish known of its purposes. * * *

I have, &c.,

A. A. SARGENT.

No. 187.

Mr. Frelinghuysen to Mr. Sargent.

No. 100.] DEPARTMENT OF STATE,
Washington, March 16, 1883.

SIR: Your dispatch No. 112, of the 26th ultimo. in relation to the two cases of William Scheibert and the Staarbach brothers, has been received and read with interest.

You have stated the claim of the Scheibert family so fully and at the same time so clearly, that it is unnecessary to repeat the facts in this instruction. Your promptness and diligence in the matter are commendable. The views you express on the subject, and which you sustain by arguments strikingly just and impartial, are in complete accord with those of the Department. The case of the Staarbach brothers does not differ from that of Scheibert's in any essential particular, and you were warranted by all the circumstances of these cases in declining to press them further on the attention of the German Government. The case of the Scheibert family does not appear to admit of a doubt as to their resumption of German citizenship.

Your proceedings are approved, and you are instructed to decline any further intervention in relation to either of the cases referred to.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 188.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 122.] LEGATION OF THE UNITED STATES,
Berlin, March 19, 1883. (Received April 4.)

SIR: I have the honor to inclose a copy of the decree of the Bundesrath excluding American pork products, as approved by the Emperor, March 6, with translation. It is a pure and simple exclusion, containing no reservation on its face, whatever may be in practice.

I also inclose an article and translation from the Norddeutsche Allgemeine Zeitung of the 14th March, showing the regulations which the chancellor proposes by which to enforce this ordinance. These are stringent and severe, and calculated to totally interrupt all trade in the prohibited products, whether the same come direct from America or through other countries. These regulations are the logical result of the ordinance, and are subject to no criticism that does not apply to the ordinance itself; though the chancellor is represented as justifying them on the ground that the American papers have said the ordinance would be evaded by indirect shipments. If the American papers have so said, which I have not observed, the enforcement of these regulations will defeat any such anticipations. It will be seen that considerable ingenuity is used to detect and exclude the obnoxious food.

This is sufficiently remarkable, considering the welcome the same regulations extend to Austro-Hungarian and Russian pork, which is said by scientific German authority to be the cause of all the (few) cases of trichinosis that have occurred in Germany for several years, from the habit of the people to eat it raw; the Russian pork, I am told by Germans, being the worst in the world.

I am able to say that there is as little apparent public opinion back of this prohibition as there is justification for it in the character of the excluded articles. * * * Physicians, who ask, for obvious reasons, that their names be not mentioned, have assured me personally and by letter that there is no disease in Germany from American pork. The only case now known to exist among forty million people is said to be at Bremen, and that from eating raw German ham. According to these respectable authorities, if a child were to be poisoned at Philadelphia from sucking the paint from a German doll, legislation to prohibit all German toys would be a parallel measure, provided this case of trichinosis at Bremen could be really proved to arise from eating American pork.

Deputations of merchants have called on me, anxious to know if the measure was inevitable. One banker spoke of it as gross ingratitude to America, whose contributions for the Rhine sufferers, about 1,000,000 marks, are, he said, insignificant beside the amounts annually sent out from America to dependent relatives and others, for which no return is ever expected. He spoke of this as in his own knowledge, by means of his business. I presume the international money-order office would tell the same story. He also said the United States are the most important market of Germany, and the latter had it in its own hands whether they should be ignominiously hustled out of the German market. As illustrating the dependence of Germany upon American custom, I cite the

following from the Berliner Tageblatt, the correctness of which I have not the means of verifying:

The prohibition of American pork products begins already to show a reaction. In Germany, for instance, there exist five large manufactories of dextrine, whose products are principally sent to America, and which are worked so advantageously that a larger number of similar establishments are to be erected. The duty on dextrine amounted hitherto to 4 marks. After the 1st July, however, it will be raised to 16 marks, thus rendering the exportation of the German article to America almost impossible, and checking home labor very sensibly.

* * * * * * *

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 122.—Translation.]

ORDINANCE CONCERNING THE PROHIBITION OF THE IMPORTATION OF PIGS, PORK AND SAUSAGES OF AMERICAN ORIGIN OF MARCH 6, 1883.

We, William, by the grace of God, Emperor of Germany, King of Prussia, &c., decree in the name of the Empire, and with the consent of the Bundesrath, as follows:

SECTION 1. The importation of pigs, pork, including bacon, and all kinds of sausages of American origin, is prohibited until further notice.

SEC. 2. The imperial chancellor is empowered, by applying the necessary precautionary measures, to permit exceptions to be made in this prohibition.

SEC. 3. The ordinance of the 25th June, 1880, concerning the exclusion of American pork and sausages (Im. Law Gazette, p. 151) is abolished.

SEC. 4. The present ordinance goes into force after the expiration of the 30th day after its publication.

Given under our hand and the imperial seal.

BERLIN, *March* 6, 1883.

WILHELM.
VON BISMARCK.

Inclosure 2 in No. 122.—Article from the Norddeutsche Allgemeine Zeitung of March 14, 1883.—Translation.]

On the order of to-day's appointed session of the Bundesrath stands the proposal concerning the prohibition of the importation of pigs, pork, and sausages of American origin.

After the Bundesrath has voted the decree for the prohibition of the import of pigs, pork, and sausages from America, it will be necessary in the interest of an efficient enforcement of the prohibition to extend the same not only to such products which are shipped directly to Germany from America, but to all products included in the prohibition of American origin. In a communication to the Bundesrath the chancellor makes no suggestions about carrying out the decree, and orders, for the prevention of its evasion, that the importation of such articles from other countries than America shall only be admissible in future when it is proved by official certificate that the articles are above suspicion, *i. e.*, not of American origin. If the prohibition is really to impart the sanitary protection aimed at by it, then, says the chancellor's communication, further, only the certificates of such officials must be recognized as are, on the one hand, in a position to testify to the truthfulness of their statements by their personal knowledge in the premises, and on the other hand, too, are responsible to the Empire or the Government of their country for the conscientiousness of their statements.

The certificates of German consuls will, accordingly, be of primary consideration, but as the interests of traffic would seem to forbid our confining ourselves to their certificates exclusively, it might be practicable to admit the certificates attested to by the proper police authorities at the place of origin as sufficient. But inasmuch as the German frontier officials may not always be able to tell whether the persons certifying are actually the proper police authorities, this fact would have to be attested to by the German consul of the district in question. Exceptions to this measure would only be admissible in the case of certificates of origin which come from Austria-Hungary, if issued and attested to according to the provision of the treaty with that Empire of 25th February, 1880, as in all other traffic between these frontier districts.

If the attest is not written in the German language, a certified German translation would have to be added by the importer on demand.

Besides this, the certificate of origin would have to be issued at least thirty days before the arrival of the goods at the German frontier, and to be kept by the German frontier officials to prevent a second use thereof. As specially regards the import of living pigs, the foreign police authorities would have to certify that the animals belonging to the shipper, who is to be specially named, are described singly and according to kind, size, age, sex, color, and other outward marks, are born and raised in Austria-Hungary (Belgium, &c.), and that they have been kept at and within the district of the authorities certifying for the last thirty days. In the case of sucking pigs (pigs of less than 10 kilos weight), as their importation from America might scarcely be attempted, a certificate describing the animals collectively and as to kind, as having been born in Austria-Hungary (Belgium, &c.), might suffice.

The matter is, however, much more difficult with regard to preparations of pork and sausages. A certificate issued by the authorities at the place of origin of the animals would be of little value, as it could not be proved by the articles in question that they really are made from the animal mentioned in the certificate of origin, and therefore a certificate from the police authorities at the place where they were made (except America), that the ware specially designated and described, if chopped, by signature, and packing, if in larger pieces, by a stamp which is to be placed upon them by the authorities at the place of origin, to the effect that the wares emanate from the butcher, &c., residing at and in the district of the certifying office, and are made from animals of English (Belgium, &c.) origin would be necessary. Besides this, it might be practicable to demand a certificate to the effect that the manufacturer in question is not engaged in manufacturing wares from pigs, pork, or bacon of American origin, nor in the purchase or sale, directly or indirectly, in these articles of American origin. In justification of these suggestions, the communication refers to utterances in the American press that an evasion of this prohibition by repacking the American article in European (not German) ports is contemplated.

Finally, the chancellor requests a decision of the Bundesrath in the matter, with the remark that the officials intrusted with the execution of the decree at the frontier will be furnished with instructions before the time that the decree goes into force, thirty days after its proclamation.

No. 189.

Mr. Sargent to Mr. Frelinghuysen.

No. 123.] LEGATION OF THE UNITED STATES,
Berlin, March 19, 1883. (Received April 4.)

SIR: The recent dynamite outrages at the Government buildings at London have provoked the remark that the British Government will probably now apply to other countries for the establishment of an international league, by which crimes that partake of the nature of warfare against mankind, even if accompanying, or intended to be aids to, political agitation, may be more severely punished. A proposition coming from the English Government might have much readier assent than if emanating from Russia or Germany; but I cannot doubt that every European Government is sufficiently startled by the dreadful developments and crimes going forward, and which have occurred during a twelvemonth, to be ready to form a league for the general protection. The recent developments in Ireland, England, France, Spain, Portugal, Italy, Austria and Belgium, the shadow of nihilism on Russia, the struggle against socialism in Germany, show a species of national epidemic of agrarian crime, with the dagger and dynamite for tools. These demonstrations are not merely "against throne and altar," but also against capital and industry. They occur not merely in despotic Russia or repressive Germany, but in free France and liberal England. A parliament, universal suffrage, free press, written constitution, do not act as a panacea for discontent. Political agitation was never so free as it has been for several years in France, yet there are banded anarchists at Lyons, Paris and elsewhere. Italy has a constitutional system, and

Spain a liberal monarch and a free parliament, yet the former has been witness of murderous outrages and the latter of the organization of the secret society of the "Black Hand," that has declared death to all landowners. Belgium suffers from the plague of banded cut-throats with free working institutions. It is not true that freedom is a cure for popular discontent. The startling fact is becoming forced on public notice that there is a fanaticism for an equality of goods, a creed that property is robbery, that the employer is the natural enemy of the employed, that the state is unjust because it keeps the rich in possession of ill-gotten wealth, which should be divided with the multitude, and hence the latter must be suppressed as the first step toward the redemption of the people from thralldom. The advocates of these theories hate the government of the majority as much as that of the Kaiser, perhaps more, for it is more difficult to secure the belief of the masses that free speech and vote accompany tyranny. These extreme views are held by an inferior minority in every community, but that minority works much in the dark, and resorts to the most desperate crimes to terrify the authorities and excite the imaginations of the people. I may be allowed to glance at the developments of this socialistic drama on the crowded European theater.

The phases of the English-Irish disorders are entirely familiar to you, and need no remark. I will merely say that in Ireland anarchy has not extended beyond the soil, and capitalists are not warred on as such, perhaps because the landlords represent the existing wealth.

In France the recent demonstrations were aimed at the bourgeoisie. This was the burden of the cries of those who gathered at the Esplanade des Invalides on the 9th instant, and the rush for the Elysée was for the purpose of presenting a petition showing the sufferings of the people because the wealthy classes locked up their money, and would not continue building in Paris that artisans might live. These were open and public manifestations, in which there was more or less sympathy by the real artisan class, suffering from a pinching season, and Bonapartist and Bourbon agitators rejoiced in the incipient riots, and tried to make them disastrous, to add to the troubles of the Republic. But there was under all disguises the spirit that dictated the dynamite outrages at Monceau-les-Mines and at Lyons, viz, the purpose to bring about a community of worldly possessions, by destroying the present holders of all kinds of property, and all institutions which have the possession of property as their basis.

In Spain and Portugal the Governments are attempting to suppress the *Mano Negra* (Black Hand) secret society, which proclaims merciless war against officials and landlords. This band is spreading terror in some of the fairest provinces of Spain. The newspapers speak of threatening letters to Spanish authorities, and of abominable outrages on farmers and their families. The origin of the name is variously accounted for. Some say that one of the assassins of General Prim struck his powder-begrimed hand on the white wall, and that the mark is indelible. Others that the police found, on one occasion when they surprised a meeting of the sinister brotherhood, a carbonized human hand suspended from the ceiling, and that on this frightful object the conspirators were accustomed to swear fidelity to their engagements. The ramifications of this society extend through Southern Spain, and the Spanish peasantry are said to sympathize with it as the Irish peasantry do with the Fenians. The revolution which the Black Hand seeks to create is both social and political, its doctrines being a mixture of French

socialism and Russian nihilism. It advocates making the state the sole possessor of property and capital, on the condition that it deals it out to all in equal and fixed proportions. Such doctrines find favor among a poor and ignorant peasantry. The Spanish Government is fully aroused, and is acting with great energy to suppress this murderous association.

In Austria a single circumstance may be cited as symptomatic. On the 4th of July last, at noon, in a frequented street of Vienna, a shoe dealer was assailed in his own house by two persons, who chloroformed him, and then robbed his till. This apparently vulgar though daring crime was traced by the police to a socialist society, and recently nineteen persons, of the artisan and tradesman class, were arrested on the charge of being participators in the crime. It seems that small associations, consisting of from five to eight members each, are formed among workmen, each member being bound to establish another similar circle. A pamphlet found in the possession of the accused declares the resolution of the masses to do away with the throne, altar and money bags, and to establish the Red Republic, which can alone save mankind. In consequence of these agitations secret meetings were held as far back as 1881, one of which the police interrupted and a riot ensued. The object of the crime first above named was to procure funds for the use of the society, and the immediate actors in it were designated for the purpose. It is said that there is an intimate connection between these societies and the revolutionary party in London, led by the Freiheit, and copies of this paper were also found in the possession of the accused.

In Russia there is a lull in the operations of the nihilists, either because the vigorous measures of the Government have extirpated the sect or made their operations too dangerous, or because they await the coronation of the Czar for a renewed manifestation of their power and implacable spirit. The wonderful duel between an autocratic Government and its secret foes has gone on for several years, and attracted the attention of the world to its details, and I need not further refer to it, except to say that it is reported that Hartman and other nihilists in New York have said that the ceremony shall not take place.

In relation to Germany, I will confine myself to the Government's statement, contained in the statutory annual memorial in the execution of the socialist law, which was submitted at the last session of the Reichstag, which is, in substance, that the state of the "social democratic" movement in Germany is by no means such as to warrant the conclusion that it is being extinguished or even worn out. The discomfiture caused in the ranks of the anarchists, immediately after the issue of the penal enactments against them, is beginning to disappear; and the last imperial general election was marked by an outburst of the flames of the revolutionary organization. The moderate party among the social democrats is outvoiced by the extremists, and the agitation of the latter continues by speech and writing. The fugitive sheets issued by the anarchists are, perhaps, less numerous than before, but periodicals like the Freiheit and Social Democrat, are smuggled into the Empire on as great a scale as ever, no fewer than 13,000 copies of the latter print having been confiscated in Germany in the space of three months. The followers of Herr Most, in Germany, are rapidly waxing in numbers, and the Polish inhabitants of Prussia are being worked upon by well-known agencies in London. In Hamburg and Altona the socialists have been particularly busy and successful,

despite all the efforts of the police, and notwithstanding the minor state of siege, which had therefore to be prolonged for another year. In Berlin the agitation has fluctuated, owing to the detection and expulsion of some of its ringleaders, the removal of whom, it is found, invariably paralyzes, for a time, anarchical efforts. Means were found, however, to disseminate about 20,000 copies of a forbidden address "to the workingmen of Berlin," printed probably in Saxony, which violently assailed the "quackery of state socialism," and denounced the injustice of "exploitation." At present there is a deceptive calm on the sea of socialist agitation in Berlin; but there are certain sure signs that the current is still moving. Leipsic, too, as the center of the book-trade, and for other obvious reasons (its university?) continues to maintain its evil reputation as a nest of social democrats, of whom no fewer than eighty had to be expelled the city in less than a year, apart from societies dissolved and publications confiscated. The only effect of these measures, however, is that the organization against which they were directed is less compact than before, though just as active.

It cannot be asserted that the social democratic movement has hitherto lost in internal strength and importance. The conviction, on the other hand, is irresistibly forced upon the Government, that the remedial results already achieved can only be preserved by continuing its repressive measures.

This epitome of the Government report gives an official view of the present condition of the socialistic movement in this Empire. The repressive laws referred to have been in force for four years.

From this rapid glance at the evidences of agrarian upheaval in Europe, it may be assumed that the European Governments will be prepared to make concerted efforts to bring to punishment those who war against government and property by the perpetration of crime and outrages, and to abolish the frontier of crime. If such concert of action is to take place, there is no doubt that the United States will be asked to consent to such modification or interpretation of its extradition treaties that its soil cannot be a refuge for the perpetrators of such acts as the Dublin assassinations, the dynamite outrage in London or Monceau-les-Mines, or the abettors of the murder of the Czar of Russia. It is quite probable that any overtures will contain a proposition for the prohibition of the publication of matter inciting to criminal acts against Government and society and its circulation in the mails.

I have, &c.,

A. A. SARGENT.

No. 190.

Mr. Frelinghuysen to Mr. Sargent.

[Circular.*]

No. 102½.] DEPARTMENT OF STATE,
Washington, March 31, 1883.

SIR: As you are doubtless aware, the Government of Great Britain is a creditor of Venezuela, and a portion of the foreign debt of that Republic has been recognized in its favor. The Governments of France,

* Sent also to United States ministers to Denmark, Great Britain, Netherlands, and Spain.

Germany, The Netherlands, Spain, Denmark, and the United States are also creditors of Venezuela to a large amount.

These indebtednesses are recognized by agreements between Venezuela and the creditor Governments as follows, thus:

On the 29th July, 1864, France and Venezuela concluded a convention by which it was agreed that Venezuela should pay to France 600,000 francs in full of all claims, payable in installments, of which the last was to be paid July 29, 1869, these payments to be secured by hypothecation of 10 per cent. of the gross products of the custom-houses of Laguayra, Puerto Cabello, Maracaibo, and Ciudad Bolivar. In 1867 an uncompleted convention with France substituted for the 10 per cent. of four custom-houses, 17 per cent. of the gross receipts of Laguayra and Puerto Cabello. This convention was made subject to approval by each Government. It was never approved by Venezuela; nevertheless an amount equivalent to the 17 per cent. provided for was paid under it from October, 1867, to February, 1868. Since that time a fixed annual quota has been assigned to France by Venezuela, while the debt itself has increased through sundry causes, until in July, 1881, it amounted, according to the statement of Venezuela, to 3,455,155.60 francs.

In 1866 the claims of the Netherlands were adjusted diplomatically. Holland is understood to maintain that their payment was secured by a pledge of 10 per cent. of the duties in Puerto Cabello, Carupano, and Guircia, and 7 per cent. of those in Laguayra, but Venezuela controverts this.

The Danish claims were also adjusted in 1866. They were small in amount and secured by no pledge.

In 1866, also, the United States concluded a claims convention with Venezuela, referring all pending questions to the decision of a commission, which ended its labors in 1868, making certain awards against Venezuela.

Subsequently Venezuela made conventions with Spain, with England, and with Germany, by which a diplomatic debt was recognized.

In July, 1881, the aggregate of all these foreign debts of Venezuela was (in francs) reported to be as follows:

France	3,455,155.60
Holland	4,190,906.56
Denmark	161,241.16
United States	5,847,163.32
Spain	7,704,457.64
Germany	200,000.00
Great Britain	2,192,835.24

Until 1873, the payments made by Venezuela on account of these debts followed no fixed rule. In July of that year, a law was enacted by which 40 per cent. of the customs revenues were set aside for the benefit of national creditors, and thirteen one-hundredths of this 40 per cent. was to be applied toward paying the foreign creditors. The division of this last thirteen one-hundredths appears not to have been made *pro rata*, but with reference to the superior rights claimed by France.

The following table of the monthly payments made from July 29, 1873, to May 1, 1880, shows the manner of the distribution and the percentage paid annually upon the capital debt as above tabulated:

Countries.	Monthly payment.	Annual payment.	Approximate percentage on capital debt.
	Francs.	*Francs.*	
France	28,275	339,300	9.8
Holland	7,220	86,640	2.06
Denmark	881.25	10,575	6.5
United States	13,980	167,760	2.8
Spain	13,980	167,760	2.2
Germany	4,000	48,000	2.4
Great Britain	10,020	120,240	5.4

Although these monthly payments, even when exceeding the annual interest on the debt, as in the case of France, Denmark, and Great Britain, were small compared with the debt itself, they continued to be made up to May, 1880, without, so far as is known, any objection on the part of France. By law or decree of Venezuela made without consulting the foreign Governments or creditors, the division of the thirteen one-hundredths was then changed, and apparently to make the change less objectionable to those injuriously affected, the amount to be distributed was increased one-twelfth. The new division was made *pro rata* on a technical arrangement of the principal sum due the creditor Governments, and was as follows:

	Francs.
France	11,637.55
Holland	14,115.70
Denmark	543.09
United States	19,694.25
Spain	25,949.94
Germany	674.63
Great Britain	7,385.84

being slightly over 4 (4.04) per cent. annually for each on the capitalized debt.

It will be seen that the largest creditor Governments, Holland, Spain and the United States, whose quotas theretofore were actually less than the interest due on their claims, now received an increased allotment, while the share of France, Denmark, Germany, and Great Britain was proportionately diminished, although in no case does the quota extinguish the stipulated interest of 5 per cent.

France and Great Britain, who suffered by the new distribution, protested against it, and demanded the fulfillment of the conditions of the original conventions. The French Government notified that of Venezuela that no smaller proportion could be accepted than that assigned under the arrangement made in 1873; and, upon a failure to obtain such terms, suspended diplomatic relations.

When the question between France and Venezuela first assumed a menacing aspect, the latter solicited the good offices of the United States to bring about an amicable understanding. Although these good offices were earnestly exerted, they failed to prevent the diplomatic rupture, which occurred by the withdrawal of the French chargé d'affaires from Caracas in April, 1881. The efforts of the United States

have since been constantly at the disposal of both parties in the interest of peace.

Venezuela having proposed an arrangement whereby the United States should receive under certain guarantees of prompt and regular payment the thirteen one-hundredths above mentioned, and distribute it among the several creditor Governments, the United States minister at Paris was instructed, under date of 5th May, 1881, to say to the minister of foreign affairs that while the United States Government would be unwilling to guarantee any portion of the foreign debt of Venezuela, it would assent, if desired, to act as the receiver and distributer of the monthly payments; and he was further instructed to ask France to delay action while considering the proposition. At the same time, the good offices of this Government to bring about a settlement were formally tendered to that of France.

The French claim to a priority, both as to time and as to conventional right, in the payment of Venezuela's foreign debt, being insisted upon, a further instruction to the United States minister at Paris, on the 23d of July, 1881, controverted this claim as unjust to the other creditor Governments, and urged that any partition of the available resources of Venezuela should be *pro rata;* and the proposal was renewed therein that such partition should be made by the United States, thus giving a reasonable security to each of the creditor nations, and an effectual bar against any inequitable advantage of one over the others. In fortification of this position, the circumstance was adverted to that the several debts of Venezuela toward foreign subjects were not created by the conventions which liquidated them, but sprang from acts, many, if not most of which, were done prior to the treaty of 1864 with France, and that they were simply recognized as to amounts by the conventions. The reply of Mr. Barthelemy St. Hilaire, dated 15th September, 1881, repeated the French contention that Venezuela was under specific treaty obligations to France, which gave to French claims a certain preference not to be renounced; and he stated that the attitude of his Government was solely due to the declaration of the intention of Venezuela to pay no more heed to those treaty obligations, adding that so long as this purpose continued, France could not advantageously consider any proposals implying a resumption of the relations between the two countries, but that no thought was entertained of forestalling the good offices of the United States by any premature action.

In this note of Mr. St. Hilaire's there appears, however, a suggestion that by adding to the principal still due to France under the convention of 1864, "a sum designed to represent the whole or a portion of the interest stipulated by another treaty concluded in 1867, or by some similar arrangement to be devised hereafter, it might not be impossible to conclude an arrangement that would permit the Government of the French Republic to renounce its privilege without prejudice to its citizens, who would then be placed in the same category with the other creditors."

This Government, which, in its capacity of a mediator between the two Governments in this matter, cannot disregard the just claims, either of its own citizens or of those of other countries, did not assent to this assumption of French preference, even as thus modified, and continued to remonstrate against it.

A reply of Mr. Gambetta, dated January 13, 1882, presents the latest position of the French Government in the premises. He reiterates the claim to preference founded on the express stipulation of 1864, to pay

to France a fixed proportion of the product of the custom-houses, and says:

> We cannot permit this principle to be contested, or appear directly or indirectly to allow our debtor to strike a blow at our own guarantees for the benefit of other debts created by a subsequent settlement. According to our views, the situation cannot be changed except by a modification introduced by mutual agreement into the conventional arrangements, which have fixed the rights and obligations of the two contracting parties. * * * The most simple solution would evidently be for Venezuela to take steps to pay the sum due on the capital of our debt of 1864, that is, *twelve per centum* of the sum originally agreed, or 720,000 francs. On our part we shall be disposed to agree to consolidate the overdue interest, putting the entire amount of it in the category of foreign debts.

Mr. Gambetta adds that in no event could an arrangement be made unless including the other questions which led to the rupture with Venezuela, and especially the pending claims the settlement of which by a mixed commission was broken off by Venezuela in 1879. These points being also adjusted, France would accept a *pro rata* distribution as respects all but the original debt of 1864, and explains that the debt so subject to *pro rata* payments would comprise, 1st, the stipulated interest on the debt of 1864; 2d, the sums allowed in 1867–'68, and 3d, the amount of claims now pending, and of which the liquidation has been arrested. Here the matter now rests, the French Government having consented to defer all direct action for enforcing its demands, and promised to second the good offices of the United States towards effecting an equitable settlement of the questions presented.

Although itself a creditor of Venezuela to a larger amount even than France, this Government would feel disposed to admit the justice of the solution proposed by Mr. Gambetta, if satisfied that it would not be opposed by the other creditor Governments, whose claims would, like our own, be prejudiced to some extent by the admission of a prior claim in France to any part of the debt.

The proposal of the Venezuelan Government is that by a convention between the United States and Venezuela the former will consent to receive the thirteen one-hundredths of the 40 per cent. of the customs revenues of the Republic, and divide the same *pro rata* in monthly installments among the several creditor Governments. This Government is disposed to do so, without, however, assuming any responsibility for the collection of that percentage. And to reach such a settlement, the United States is prepared to counsel Venezuela to pay to France during the coming year, in cash, over and above the stipulated *pro rata* payments, the sum of 720.000 francs, to capitalize the defaulting interest on all the foreign debt, the totals of which would thus require to be readjusted as the basis of future *pro rata* payments, and to increase as far as possible the amount of the distributable percentage, so that it shall at least equal 5 per cent. of the total debt. We would also counsel Venezuela to resume the operation of the claims commission with France, and would use our efforts toward the conclusion of like claims commissions with other Governments, where justice may require it, adding the sum of any future awards to the amount of the foreign debt.

Before doing so, however, it is desired to know whether such an arrangement will be acceptable to all the other creditor Governments, whose interests, no less than our own, are concerned in the peaceful adjustment of the Franco-Venezuelan controversy on a basis which shall not overshadow the rights of other nations against Venezuela; and whether, in the event of accepting the arrangement proposed, the other Governments will empower their representatives in Washington to consult with representatives of the United States and Venezuela, to the end

of protocolizing a revised statement of the capitalized indebtedness of Venezuela to each as a basis for future distributions, which for convenience might be payable by us to them quarterly or semi-annually instead of monthly, as proposed.

You will lay the foregoing statement and views before the minister for foreign affairs of Germany. You will point out to him that the failures to attain a peaceable settlement as between France and Venezuela, and a resort to force by the former to collect her debt, could not but disastrously affect the ability of Venezuela to meet her just obligations towards the other creditor Governments; that the common interest of all is concerned in reaching an amicable solution of the complex problem presented, and that the United States, themselves creditors, will nevertheless subserve their interests in the matter to the common good. That he may be fully possessed of the points at issue, you will leave with him a copy hereof, and invite thereto his early attention.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 191.

Mr. Frelinghuysen to Mr. Sargent.

[Confidential.]

No. 108.] DEPARTMENT OF STATE,
Washington, April 11, 1883,

SIR: Your dispatches Nos. 121 and 122, of the 15th and 19th ultimo, in relation to the ordinance and regulations of the German imperial Government for the prohibition of American pork products, have been received.

Until the text of the promulgated regulations for the execution of the prohibitory ordinance shall be received it may seem premature to consider the details of the question and express an opinion thereon. The general issue, however, is one which cannot fail to demand the most careful attention of this Government, not only on its own merits, but also in its bearing upon Article V of the treaty of commerce and navigation between the United States and Prussia, concluded May 1, 1828, and especially the concluding clause of the article, which reads as follows:

> Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

The treaty question which may be thus involved is receiving attentive consideration, and may hereafter be the subject of a special instruction to you. Meanwhile I have to thank you for the information conveyed in your dispatches, and to remark that your suggestions will have due consideration.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 192.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 135.] LEGATION OF THE UNITED STATES,
Berlin, April 13, 1883. (Received May 2.)

SIR: I have the honor to state that on the 22d March, 1883, I received a letter from Mr. Emile Neignouret, president of the *Chambre Syndicale du Commerce des Saindoux et Saindoux d'Amérique*, Bordeaux, France, a copy of which is inclosed, informing me that the French papers were publishing a dispatch from Tilsit, Germany, stating that some cases of trichinosis existed in Tilsit, especially in the garrison, and that there were already thirteen deceased. He requested me to make inquiries on the subject, as the syndicate is doing its best to obtain the recall of the edict of prohibition of American meats in France, and had already serious promises from the French Government. They were, however, afraid the many advices from Germany like the above would raise difficulties and prevent their success. He expressed the opinion that if there were such trichinosis it came from eating home meats and not from American salted meat. If the facts could be ascertained and vouched for by me it would aid them to obtain free importation in France.

Immediately on receipt of this letter, I wrote to the United States consular agent, Mr. Conrad Gaedeke, at Königsberg, the nearest consular officer to Tilsit, inclosing him a copy of it, and informed him that the question of the exclusion or admission of American pork products is now being agitated here and in France, and that he would much oblige me, and do the United States a service, if he would ascertain and inform me promptly if these cases of sickness referred to exist, and, if so, if the pork was of American or other production.

The same day I wrote to Mr. Neignouret, stating that I had ordered an investigation to be made into the alleged cases of trichinosis at Tilsit by the nearest American consul, and if there were such, if they originated from eating American pork. I told him further that I find that all cases of alleged trichinosis are ascribed to American pork, even where the proof is open to any one that they arise from eating raw native or Hungarian pork; that interested parties spread such stories, and frequently the stories are entirely false, there being no sickness; that high German scientific authority states that there is not now and has not been for years any case of trichinosis in Germany from eating American pork.

The United States consular agent at Königsberg acknowledged receipt of my letter, under date of March 27, and promised immediately to try to ascertain and inform me as soon as possible of all the facts in the matter.

I am now in possession of his report, under date of April 9, in which he informs me that fourteen cases of trichinosis have occurred at the garrison at Tilsit, being early in March, all very light, and everybody now recovered. It is officially stated to him that the soldiers did not receive the infected meat in the *ménage* of the *caserne*, and it is not possible to state where they got it, and not, therefore, whether it is of native or American production, but they probably got the pork from their relatives. * * *

I have to day written to Mr. Neignouret, giving to him these facts, and calling his attention to the exaggeration or falsehood of the telegraphic account, in that no deaths had occurred; that the cases were all slight, and everybody had recovered, and pointing out the certainty that, as the pork was probably furnished by relatives, it was the local

raw article, which is the ascertained cause of all known cases of trichinosis where the trouble has been taken to trace the cause.

I have also written to Mr. Gaedeke, thanking him for his promptness and efficiency in the matter, and stating that I should take pleasure in mentioning it to the State Department.

This correspondence tells its own story, and remark may be unnecessary. In this case thirteen persons are announced as already dead from trichinosis, and the fatal disease still raging, and American pork—that "unutterable flesh"—is swiftly assigned as the cause. The disastrous news is spread over the Continent to create prejudice against our productions and strengthen the hands of those who favor prohibition. When the Government officers, peculiarly informed, are questioned, it is found no deaths have occurred; that there were only some slight cases of sickness, and pregnant circumstances imply that American pork had nothing to do with the cases of sickness that did exist.

* * * * * * *

While the German Government may properly decline to bind itself by the report of its own or any other commission for investigation into the truth or error of its own allegations that American pork products are dangerous to health, and into the soundness of the grounds which it has for striking a severe blow at our trade or manufactures, it may reasonably be expected to be * * * cautious how it lends itself to * * * statements against the interests of a friendly nation. * * * When the chancellor sent his request for the prohibitive ordinance to the Bundesrath he accompanied it by a memorial in which he did not give reasons based on the bills of health of the Empire, but cited at large from a printed pamphlet in German, * * * which pamphlet was a compilation of certain New York newspaper articles published in 1881, which, while condemning the prohibitory policy of the French Government, laid blame upon the Western packers, who, these alleged, put up meats before they were properly cured, and dwelt upon the carelessness of freight handlers, Western inspection, &c. The pamphlet also contained the opinions of French and German exporters that the complaints of the French authorities were unfounded from a sanitary standpoint, and the faults of careless packing could be remedied on through transit meats by having them overhauled at New York prior to shipment. The appointment of a certain firm of New York packers * * * was recommended for the purpose. This pamphlet was denounced by Herr Richter, in the Reichstag, as compiled in the interests of the firm alluded to, and as utterly unworthy as authority for the proposed exclusion. Of course it does not come anywhere near proof of danger of trichinosis from American pork. Imperfect packing may cause rotten pork, which no one would buy or use, but not trichinæ; yet this unresponsive evidence stands as the basis of exclusion in this Empire to-day. Investigations might * * * [show] that the statements of the pamphlet in regard to packing are false, and that the supervision of the beforementioned firm is unnecessary. Every barrel of pork that reaches Europe bears its special testimony, and the interests of trade insure fidelity of means. If any steps were taken to ascertain in what condition packed pork reached Germany the conclusions were not added to the assertions of the pamphlet in the chancellor's memorial; and the investigation carried on under orders of the State Department was not deemed worthy of notice.

* * * * * * *

One effect of this prohibition is now obvious. The masses here are accustomed to reverence government, and look to it peculiarly for guidance in matters which, in different communities, it could not influence.

The Government has condemned American pork products as dangerous to health. Its action fosters alarm in that connection, and it will take years to recreate the confidence in these which has been impaired.

To avoid multiplying dispatches I will here state that on the 10th there was a discussion on the bill amending "trades law." In section 56*b* the federal council (Bundesrath) is authorized, in cases of necessity, to suspend for a certain period some of the provisions of sections 56 and 56*a*, the same right being conferred upon the appropriate state authorities for the individual states of the Empire. This is not the law regulating imports, which contains a somewhat parallel provision, it being therein provided that the council may suspend any importation temporarily in case of emergency.

During the discussion Dr. Baumbach proposed an addition to this paragraph, making it obligatory upon the federal council to submit its decrees to the Reichstag for subsequent approval.

State Minister Scholz declared himself decidedly opposed to this proposal, expressing the view that it would be detrimental to the dignity of the Government to see its decrees annulled so soon after their promulgation. He said the motion of Dr. Baumbach would make the authority conferred upon the federal council so entirely illusory that the united Governments would prefer to dispense with it altogether. The minister conceded that there existed in certain cases similar provisions, requiring subsequent parliamentary approval of decrees of the federal council, but past experience did not dispose him to advocate an extension of this principle. The proposed motion would confuse legal relations, and he must urgently request that it be rejected.

Deputies Heydemann, Maibauer, Dr. Réeand, and Dr. Bamberger, spoke in advocacy of Dr. Baumbach's motion. The latter declared it to be of the greatest importance to oppose the principle set up by Minister Scholz. The proposed condition had the very practical purpose of compelling the united Governments to consider duly, before issuing a provisional decree, whether it was in harmony with the law, and whether it would receive the approbation of Parliament. For instance, if the united Governments had been compelled to submit to Parliament for subsequent approval the decree prohibiting the importation of American meat, he was convinced the decree would never have been issued at all. He, therefore, that there might be no question of the principle, would recommend the adoption of Dr. Baumbach's motion.

Scholz, finance minister, felt called upon to protest energetically against the suggestion that the Government did not in every case maturely consider, before its issue, every provisional decree, and the necessity for subsequent approval could not make it more so.

After speeches by Dr. Hänel, Richter, and others, earnestly advocating the amendment, it was adopted by a small majority.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 135.]

Mr. Neignouret to Mr. Sargent.

CHAMBRE SYNDICALE DU COMMERCE DES SAINDOUX ET SALAISONS D'AMERIQUE,
Bordeaux, March 22, 1883.

SIR: I now see in our French papers a dispatch coming from Tilsit, and telling that some cases of trichinosis have occurred in this town, especially in the garrison, and that there were already thirteen deceased.

I shall be most obliged for your inquiries on the subject, as our syndicate is making the endeavor to obtain the recall of the edict of prohibition for American meats in France, and we have already received serious promises from our Government; but we are afraid that the many advices from Germany, like the above, will be a difficulty in the way, and perhaps an obstacle to our success.

Besides, if there is such trichinosis, my opinion is that the cases must come from home meats and not from the salted ones imported from America, and should the matter be investigated, your information and certificates on the subject would be of great assistance in our endeavors to obtain the free importation in France.

I rely on you to know exactly what is the matter, and with thanks, remain, &c.,

EMILE NEIGNOURET,
The President of the Syndicate.

[Inclosure 2 in No. 135.]

Mr. Sargent to Consul Gaedeke.

LEGATION OF THE UNITED STATES,
Berlin, March 24, 1883.

SIR: I inclose to you a copy of a letter from Mr. Emile Neignouret, which speaks of some cases of trichinosis from eating pork, which have recently occurred at the fortress at Tilsit. The question of the exclusion or admission of American pork products is now being agitated here and in France; and you will much oblige me, and do the United States a service, if you will ascertain and inform me promptly if these cases of sickness, referred to in the inclosed, exist; and, if so, whether the pork was of American or other production.

Very respectfully,

A. A. SARGENT.

[Inclosure 3 in No. 135.]

Mr. Sargent to Mr. Neignouret.

LEGATION OF THE UNITED STATES,
Berlin, March 24, 1883.

SIR: I have ordered an investigation to be made by the nearest American consul into the alleged cases of trichinosis at Tilsit, referred to in your letter, and whether, if there are such, they originated or not from eating American pork. I find that all cases of alleged trichinosis are ascribed to American pork, even where the proof is open to any one that they arose from eating raw native or Hungarian pork. Interested parties spread such stories. Frequently these stories are wholly false, there being no sickness. High German scientific authority states that there are not now, and have not been for years, any cases of trichinosis in Germany from eating American pork.

I will promptly inform you of the result of my inquiries.

Respectfully,

A. A. SARGENT.

[Inclosure 4 in No. 135.]

Mr. Gaedeke to Mr. Sargent.

UNITED STATES CONSULAR AGENCY,
Königsberg, March 27, 1883.

SIR: I beg to acknowledge receipt of your communication of the 24th instant, with inclosure of a copy of a letter from Mr. Emile Neignouret. I will immediately try to ascertain, and inform you as soon as possible, of the cases of trichinosis at Tilsit, and whether the pork was of American or other production.

I have, &c.,

CONRAD GAEDEKE.

[Inclosure 5 in No. 135.—Extract.]

Mr. Gaedeke to Mr. Sargent.

UNITED STATES CONSULAR AGENCY,
Königsberg, April 9, 1883.

SIR: In pursuance of my communication of the 27th past, I have the honor to inform you that I have ascertained that fourteen cases of trichinosis have occurred at the garrison at Tilsit in the beginning of March, but that all these cases have been very light, and that everybody has already recovered.

It is officially stated that the soldiers have not received the infected pork in the *ménage* of the *caserne*, but it has not been possible to state whence they got it, and it is, therefore, impossible to say whether this pork has been of inland or of American production, but it is most probable that the soldiers have received the product from their relatives. * * *

I have, &c.,

CONRAD GAEDEKE.

[Inclosure 6 in No. 135.—Extract.]

Mr. Sargent to Mr. Neignouret.

LEGATION OF THE UNITED STATES,
Berlin, April 10, 1883.

SIR: Referring to your letter of March 22, and mine of March 24, concerning the cases of trichinosis alleged to exist at Tilsit, I have the honor now to inform you that the United States consular agent at Königsberg, Mr. Conrad Gaedeke, a very reliable and intelligent gentleman, writes to me, under date of April 9, that he has observed my instructions and investigated the cases of trichinosis at the army quarters at Tilsit, and the causes thereof, and now states * * * that at the beginning of March there were fourteen very slight cases of trichinosis, from which every one suffering has now fully recovered. The soldiers did not receive the infected pork as rations, but ate it outside, probably receiving it from their relations, in which case it was undoubtedly native pork. As raw native pork is the ascertained cause of all trichinosis in Germany, when the cause has been traced, as I am informed by German medical authority, it is most certain to have been the cause in this instance.

I inclose a copy of Mr. Gaedeke's letter, by which you will observe also that the statement that deaths had occurred was totally false, and have, &c.,

A. A. SARGENT,

[Inclosure 7 in No. 135.]

Mr. Sargent to Mr. Gaedeke.

LEGATION OF THE UNITED STATES,
Berlin, April 10, 1883.

SIR: I thank you for the promptness with which you have complied with my request to investigate and report upon the cases of trichinosis at Tilsit. I have taken pleasure in informing the State Department of the promptness and efficiency you have shown in this matter.

Very respectfully, &c.,

A. A. SARGENT.

No. 193.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 137.] LEGATION OF THE UNITED STATES,
Berlin, April 13, 1883. (Received May 2.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 99, of March 14. * * * I beg leave to submit a few considerations suggested to my mind by the instruction in question. * * *

The phrase used by me in my note of the 23d ultimo addressed to Count Hatzfeldt, pointed out by the Department, was not inadvertent. I carefully weighed every word of that note, and desired to present every reason that could influence the German chancellor to avert the yet suspended blow of prohibition. Please observe that any allusion to action by the American law-making power was not suggested to depend upon acceptance of the President's proposition, but upon the fact of prohibition, a measure replete with disaster to an enormous American agricultural and manufacturing interest. In the firm belief, then and now entertained, that phrase-making would not prevent or repeal such an unfriendly ordinance, and only the prospect of retaliatory legislation would, I distantly intimated that the United States, through its only law-making body, might possibly take notice of this prohibition. It certainly should be an element in the chancellor's estimate of the question that a nation of over 50,000,000 people of resolute character and noble history might adopt some form of legislative reprisals. In the absence of instructions, and in the face of an emergency, I advanced this suggestion instead of leaving him to infer or overlook it. Before my note to Count Hatzfeldt was written, the American papers came containing some of my dispatches, in which I had strenuously urged that the only way in which the German Government could be influenced was by the fear of reprisals by legislation. These were republished from the American in the German newspapers; those papers which were our friends in the controversy saying the considerations advanced should be heeded by this Government. * * * As these publications necessarily were authorized by the Department, I then saw no error in saying directly, but courteously, to this Government what it was thus informed that I had officially said of it.

* * * * * * *

I have, &c.,

A. A. SARGENT.

No. 194.

Mr. Sargent to Mr. Frelinghuysen.

No. 141.] LEGATION OF THE UNITED STATES,
Berlin, April 19, 1883. (Received May 9.)

SIR: On the 14th instant the Emperor sent a special message to the Reichstag, which, from its contents, as well as from the rarity of such messages from him, has caused considerable excitement. I have heretofore stated that it is the desire of the chancellor to secure biennial budgets from the imperial Parliament, and that this body, at its present session, has refused to accede to that measure. A feature of the chancellor's policy, furthermore, has been to procure the enactment of an accident insurance law, for the purpose of "protecting laboring men from the perilous consequences of incapacity to work, resulting from accidents," and thus tend to draw away the laboring classes from assisting the efforts of the social democracy. The Emperor has taken great interest in the series of measures of which this is one, and wishes to finish his reign with measures of humanity and providence extended to the humbler classes, which will at once ameliorate their condition, and win their gratitude and support for the Empire. Under these conditions

he sent a special message to the Reichstag, of which the following is the purport:

The Emperor has at all times regarded it as his first duty to devote the same solicitude to the condition of the working classes in the Empire as had been displayed since the beginning of the century by the Prussian Kings towards the working classes in Prussia. In the promulgation of the socialist law, and again in his message of November 17, 1881, the Emperor gave expression to his conviction that legislation should not be restricted to police and penal measures, but should also introduce reforms for the benefit of the workingmen. The abolition of the two lowest grades of the class tax in Prussia must be regarded as the first result of the Emperor's efforts in this direction. His Majesty is glad to see the great progress made under the sick-fund law, but entertains some anxiety as to the "insurance against accident bill," as with its failure to pass would disappear any hope of carrying next session the bill making provision for the aged and invalid poor. For this reason the budget for 1884–'85 will be at once submitted to the Reichstag, so as to leave next session free for the consideration of measures dealing with the social condition of the people.

He further adverts to his great age, and asks to see progress made in these beneficent measures during his lifetime.

When it is observed that the message purports to advise the Reichstag what business it shall first do, and second, to pass the budget of two years hence, when it has just passed that of the next year, and refused to consider the budget of 1884–'85, it may be seen why there was excitement in the Reichstag, and discussions in the public press. The Liberal groups regard the imperial message as a direct and exceptional intervention of the sovereign in the affairs of the Reichstag; and, while any language that may be employed will be very respectful towards the Emperor, who is loved by all classes, there will undoubtedly be high debate upon the whole matter.

Meanwhile the Liberal papers are expressing their views within these limitations. The Emperor is spoken of respectfully, and the best of motives are conceded to him, and a wish expressed to aid him in gilding the remaining years of his life with any practical measures for the benefit of the poorer classes. But they object to imperial dictation to the Reichstag as to what business it shall first do. They object to the proposition to pass a budget in advance, saying the experience of one year is necessary in fixing the budget of a succeeding year, and this light can only be had in the last quarter of the closing year; that this proposition has been rejected in principle at this session; that after the budget is obtained the Government can dispense with the Reichstag. They further object that the Emperor, as King of Prussia, might address such considerations to the local Prussian legislature, but he is not the sovereign of Germany; that he is the mere chief of its rulers, the united Government being the sovereign, and one body of the imperial legislature, the Bundesrath, represents directly the other Kingdom. They further object that the scheme in question is impracticable, in that the Reichstag is not convinced that there is sufficient provision in it for an insurance fund, and it will break down. One Liberal paper alleges that this message is inspired by the chancellor to remove the bad impression against the conservatives caused by their advocacy of a system of books to be kept by workmen, in which the last employé shall always enter the reasons for the last discharge—a system of "ticket of leave," as say the workmen, who ask why the employer also should not be compelled to keep such books for the entries of the workmen's views concerning them. The Cologne Gazette confesses itself unable to dismiss a bad impression created by the message, viz, that the chancellor and the united Government did not earlier know how much at heart the Emperor holds this insurance bill, and so have refrained from urging some other measures which have taken weeks of time that might have

been devoted to this subject at the present session. Meanwhile the budget for 1884–'85 is before the Bundesrath, and will be laid before the Reichstag, following the suggestions of the message.

These various motives of opposition are alleged, and it would seem so far that, while the Emperor has thus shown his sympathy for the working classes, and his confidence in socialistic measures for their relief, there is much doubt of real progress being made towards the adoption of these projects.

The bill recommended by the Emperor may be found translated in full in Foreign Relations for 1881, page 455, save that a few alterations in the details have been adopted.

I have, &c.,

A. A. SARGENT.

No. 195.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 145.] LEGATION OF THE UNITED STATES,
Berlin, April 28, 1883. (Received May 16.)

SIR: I have the honor to report that No. 27 of Commercial Relations, January, 1883, contains a dispatch of mine, on page 1, upon the subject of the prohibition by Germany of our pork products, wherein the representations on the subject by various trade associations and the opposition press are stated, and the reasons why the prohibition is likely to be made, and what remedy the United States may have, and should use, to prevent such experiments against their interests, are stated.

As was necessary in such a dispatch, the truths, as they appeared to me, were clearly stated, that you might be perfectly familiar with the issue with which our Government had to deal so far as a close observation here, and a zealous wish to do my duty, could enable you to become.

In the dispatch was also a personal allusion, useful to give an idea of the state of feeling here in various circles. Such a dispatch, informing the State Department of necessary facts, was, according to my view, entirely proper. The St. James Gazette recently said, referring to the probability that the English home office was well informed in regard to an annexation:

> With what object do we keep up diplomatic establishments in every European capital, if the first hint of a design on the part of some rival power to seize an important territory is to come from a little group of colonial politicians?

So it might be asked, "With what object do the United States keep up diplomatic establishments in Europe if they must depend upon chance and tardy sources for information as to measures affecting their interests?" To send such information in such colorless form that if it were published the Government to which the minister is accredited could not find a shade of criticism or matter of exception, and yet the Department get from it a true picture of occurrences having inimical tendencies, and of which it should be expressly warned, would seem impossible.

* * * * * * *

I inclose with translation an article from the Norddeutsche Allgemeine Zeitung, * * * in which it is falsely alleged that the dispatch

in question was a newspaper article published by me in a newspaper of New York over my signature, and distorting ingeniously the contents of the dispatch. It ascribes to me the words and arguments which I expressly said were copied from German papers; declares that I said the German Government is not at all a Government of public opinion, but is sure to do the exact opposite of what public opinion demands; whereas I said, "If this were strictly a Government of public opinion in *the American sense*, these general public appeals would prevail." It alleges that I said (three months before the ordinance was passed at all) that it was passed by a trick over the heads of the Reichstag, &c. By a comparison with the original you will see the malignity and falsehood of this travesty.

If I had so far forgotten my duty as to publish an article on a political subject in an American newspaper over my signature, I should feel only repaid even by such gross caricature of what it contained. The paper in question knew that I was innocent of any publication whatever, for a month before it had published the substance of it correctly, and said it was a dispatch to my Government, and berated the opposition papers for furnishing such arguments against the measures of their own Government. To give plausibility to this attack it was necessary to ignore that, and to sufficiently fire the hearts of its readers it was necessary to grossly misrepresent the contents of the document.

The undoubted purpose of this publication was to work on the patriotic pride of the Germans, by leading them to resent foreign complaint of the action of their Government, and make partisans for the maintenance of prohibition. The scheme was well planned, and undoubtedly works in the way foreseen.

* * * * * * *

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 145.—Extract from the Norddeutsche Allgemeine Zeitung, April 24, 1883.—Translation.]

In the New Yorker Handels-Zeitung of March 10 last we find a publication which bears the signature of the minister of the United States at Berlin, and treats of the prohibition in Germany of American pork. The first half of this article endeavors to describe the "opposition" to the exclusion of American hog products manifested in Berlin and other cities, and refers in particular to articles of the National Zeitung, and the—in the mean time deceased—Tribune. A political criticism of the present form of government in Germany is connected with the description of that opposition movement, the German Government being described as one not "in the slightest degree a Government of public opinion," but one which most probably always did the reverse of that demanded by the voice of public opinion as well as by the press on the basis "of logical deductions from indisputable facts."

The decree of prohibition is criticised as an illegal measure adopted over the head of the Reichstag, and characterized by a leader of the opposition in the Reichstag *to be the author of the article* as being an "unworthy trick."

It is possible that a German deputy has used such an expression to the representative of a foreign power. We know more than one whom we consider capable of such an act. On the other hand, it surprises us to find the signature of a minister accredited to His Majesty the Emperor under such declarations.

In the article it is further stated: "The Tribune, an influential organ of the party of progress, has convincingly shown the sanitary harmlessness of American pork products. It was solely in the interests of the larger land owners and meat producers of Germany that the prohibition which took 15,000 marks annually from the poor to give them to the rich was issued." At this point the style of the publication attains a pathos, to which we fear our quotation will not do justice; it is stated word for word:

"But woe to the poor who pay to him (the rich) the 15,000 marks; woe to the hungry who imagine that it is a duty of the Government not to allow the price of food to become too high."

The National Zeitung had also furnished a similar argument that could not be refuted in favor of American interests; that journal had in particular asserted that last year's good harvest had afforded such rich profits to German land owners that their interests did not require this exclusion of American pork from German markets. Here too, therefore, the unveiled insinuation is uttered that the Imperial Government had adopted those measures solely for the purpose of favoring a single class, while the existence of weighty sanitary police motives for the prohibition is not conceded or mentioned with a single word.

In the last part of the publication the damage to American interests to result from the decree of prohibition is referred to, and reprisals are threatened, leaving out of consideration the fact that North America for whole decades has shut itself off from the products of European industry by the highest protective and prohibitive duties, without our ever having thought of demanding of America consideration for injured German and disregard of American interests.

The publication closes with the declaration that America "cannot submit to the exclusion of her products under false pretenses."

The article, therefore, anticipates the employment of international pressure to force the American trichinæ upon the German consumer, after the latter has borne the burden of inconsiderable taxation in order to be protected against the domestic trichinæ. This view is not without analogy to that which was at the bottom of the Chinese opium war. What would the public and the press say in England if a German publication, similar to that contained in the columns of the New Yorker Handels-Zeitung, had attacked the prohibition of the importation of German cattle into England with such arguments, and if under such publication the name of the German ambassador accredited to the Queen of England had stood? Assuredly such international warfare would not have found in the English press organs to advocate the interests of a foreign land at the expense of domestic policy.

No. 196.

Mr. Frelinghuysen to Mr. Sargent.

[Extract.]

No. 116.] DEPARTMENT OF STATE,
Washington, May 4, 1883.

SIR: Your action, as reported in your dispatch No. 135, of the 13th ultimo, in causing an investigation of alleged cases of trichinosis at Tilsit, is heartily approved by the Department. It is desirable that every well-authenticated report of an outbreak of trichinosis in Germany which may come to your ears should be inquired into on the spot, with an honest and evident purpose to arrive at the exact facts so far as may be possible.

* * * * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 197.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 146.] LEGATION OF THE UNITED STATES,
Berlin, May 4, 1883. (Received May 21.)

SIR: I have the honor, referring to my No. 145, of 30th April, to state that the Norddeutsche Allgemeine Zeitung has, since I sent said dispatch, viz, in its issue of the 1st May, partially atoned for the inhospita-

ble attack upon the representative of a foreign Government, and its gross misrepresentations of his utterances, by publishing the whole of my dispatch of January 1, accompanying it with the remark that it had no wish to be inhospitable to an accredited representative to His Majesty of a friendly foreign country, but still affecting to believe that my name to the document was a forgery or unexplained. It is somewhat comically contradicted in this by the introductory remark of the New Yorker Handels-Zeitung which it copies, and which precedes the dispatch in its columns. This apology is as much as may well be expected, * * * and perhaps much more, and I presume the incident is terminated.

Meanwhile the German and continental press has been somewhat busy over the matter. The semi-official German press has become very moderate or been silent.

* * * * * * *

The London Times correspondent of the 1st instant says:

Imitating the action of the German federal council, the Greek Government has, from sanitary considerations, forbidden the importation of all sorts of American pig flesh. It may be mentioned that Prince Bismarck's organ, the North German Gazette, publishes to-day the text of the dispatch which Mr. Sargent, the American minister here, addressed to his Government on the subject of the interdict, and on an incorrect rendering of which this organ founded its late personal attack on the accredited representative of the United States, an attack which any member of the diplomatic corps would have been justly entitled to regard as a clear infringement of his rights and privileges. The publication of the full dispatch in question, though prefaced by a weak and transparent attempt to excuse the previous attack, must therefore be regarded as a humble but inadequate apology to the American minister, seeing that the North German Gazette thus convicts itself of having grossly misrepresented his excellency's meaning, and imputed to him words which he never used.

The North American Times, published in London, says:

The United States minister at Berlin has been attacked by the Norddeutsche Zeitung for sending to a New York paper his official report on the prohibition of the import of American pork into Germany. How does the journal know that the minister sent the article in the New York paper? And how can it complain of Mr. Sargent sending a dispatch to his Government on a matter concerning American commerce? It is the duty of the minister to write such dispatch, to express an opinion on the matter, to quote other opinions both for and against—in a word, to give his Government all the information he could glean. The point of attack is that the North German Gazette is under the inspiration of Prince Bismarck, and the exclusion has been exciting a strong feeling on the other side.

The same paper, referring to a former dispatch in the London Times, says:

The Times tells us that the minister's comments thus published in a New York trade journal have caused no slight displeasure in high quarters in Berlin. But we can tell those who feel this displeasure that their action had aroused no slight displeasure among the sovereign people of America; not that the exclusion is a matter of moment just now, but that it indicates an inclination to exclude American products generally. It is true, as the Times remarks, "that the measure was less of a sanitary than of a prohibitive nature."

The American Register, published in Paris, has the following:

The North German Gazette, the official organ of Prince Bismarck, criticises an article in the New Yorker Handels-Zeitung, respecting the prohibition to import of American pork into Germany. The article in question spoke of reprisals, and was signed by the American minister at Berlin. The North German Gazette expresses surprise at seeing the signature of the American minister to the article in question, and adds, "that when the article in question speaks of reprisals in order to force American trichinæ upon German consumers, it was an argument not unlike that which formed the ground of the Chinese opium war."

The commercial policy of Prince Bismarck is a protective policy, and so far it resembles that of the United States. Now, the protective system is essentially one of strict reciprocity, and it was only the other day that the German minister of com-

merce threatened Spain with reprisals; there is therefore no reason why the minister should be so horrified at the system which he applies to others being applied to himself. Of course, Germany does quite right to exclude American pork when it is infected by trichinæ, but what Americans object to is the assumption that American pork is infected with trichinæ after it has been shown that, owing to the length of the voyage from America to Europe, the parasite cannot survive in the dead animal, and that, therefore, trichinæ in American pork are an impossibility. It is very curious that, while the North German Gazette denounces American pork, the French papers denounce that of Germany on similar grounds. Perhaps German trichinæ require to be protected, and, if so, the solicitude of the North German Gazette for their welfare is comprehensible.

* * * * * * *

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 146.—Extract from the Norddeutsche Allgemeine Zeitung, May 1, 1883.—Translation.]

The Börsen Currier brings an alleged conversation with the American minister, Mr. Sargent, with reference to our article of April 24.

We can make no better answer to the statements it contains than by simply furnishing a copy of the article which appeared in the New Yorker Handels-Zeitung over the full signature of the minister. We must leave it to the organs which have relations with the minister to enlighten the public more effectually than has heretofore been done as to how this article could have been reprinted in the New Yorker Handels-Zeitung with the minister's name and official title without a protest or correction, official or otherwise, having hitherto been made with regard to this abuse—for as such we must now regard it—of the name of the minister. We, in our turn, protest against the heading selected by the Börsen Currier for its article: "The American Minister and the Norddeutsche Allgemeine Zeitung." We shall never permit ourselves to so far violate hospitality and international courtesy as to attack or criticise the official acts of a minister of a friendly state accredited to His Majesty the Emperor. We have to deal only with the article of the New Yorker Handels-Zeitung, offensive to the German Empire, and we should be glad to learn that the signature to that article is based upon some error.

The article is as follows:

"The report sent to our Secretary of State dated January 1 last, of United States Minister Aaron Sargent, at Berlin, in the matter of the prohibition of the importation into Germany of American pork, of which we communicated an extract in the last number of this sheet, reads as follows."

[Here follows a translation of the text of the minister's dispatch.]

No. 198.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 147.] LEGATION OF THE UNITED STATES,
Berlin, May 5, 1883. (Received May 21.)

SIR: I have the honor to report that in obedience to your telegraphic instruction to execute the instruction 99, I had an interview on yesterday with Count Hatzfeldt, it being the first opportunity therefor, and read the same to him, stating that I was happy to present the views of my Government upon the note which I had heretofore addressed to him asking a suspension of the prohibitory ordinance until an examination in the soundness of American pork could be made by a commission of German experts, and, at his request, I left him a copy of your said No. 99.

Count Hatzfeldt replied that he was glad to have a formal communication from the State Department showing that the note had exceeded

the views of the American Government in some particulars, viz, its discussion of the internal affairs of the German Government, and the menace that the American Government might resort to retaliatory measures, although he had already been informed of that fact from Washington. He also said he would lay the matter before the chancellor, who would no doubt be much pleased, and all the more as the relations between the two Governments had always been so satisfactory.

Considering my duty expressly limited by your instruction, I refrained from discussion, and did not say what seemed to me true, and on again reading my note still seems to me to be so—that I have not discussed in it the internal affairs of the German Empire except so far as its acts directly affected America, and that your No. 99 then presented contained no correction on my views in that regard.

* * * * * * *

I have, &c.,

A. A. SARGENT.

No. 199.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 153.] LEGATION OF THE UNITED STATES,
Berlin, May 14, 1883. (Received May 31.)

SIR: In my No. 141, of April 19, I had the honor to inform you of the special message sent by the Emperor to the Reichstag, in which he recommended the immediate consideration of the budget of 1844–'85, to leave the next session free to dispose of certain so-called socialistic measures, principally the accidents insurance bill. The strong feeling aroused in the Reichstag among the ordinary opponents of Prince Bismarck's policy suffered no diminution, and a crisis was reached the past week, when a motion of Herr Richter, the Progressionist leader, to refer the budget to a committee, was adopted by a vote of 105 to 97. This reference, according to the forms of the German Reichstag, is equivalent to a rejection of the budget bill. The debate on the motion ran high, the Ultramontane and Conservative deputies supporting the Government, and the different elements of Liberalism fusing to carry the reference.

* * * * * * *

The progress of this contest between parliamentary and executive will, which has been in progress for several months, has been peculiarly interesting. I have called your attention to it from time to time. In January last an imperial message to the Reichstag called attention to the workingmen's accidents insurance bill, and there was a hope expressed that it would encounter no parliamentary delay. At about the same time the biennial budget bill was laid before the imperial legislature. The latter was not adopted, but sent to the graveyard of a committee, on the expressed ground that to sanction it was to diminish the comparative weight of the Reichstag, while other work excluded the consideration of the accidents insurance bill. Then came the Emperor's special message, with the results stated.

* * * * * * *

I have, &c.,

A. A. SARGENT.

No. 200.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 155.] LEGATION OF THE UNITED STATES,
Berlin, May 19, 1883. (Received June 5.)

SIR: The fierce heat of discussion that has followed the publication of my report of January 1 on the prohibition of American pork, or rather since the attack upon the same by the North German Gazette, especially the severe comments upon that paper and on the imperial administration by the American press, have compelled the same paper to finally attempt a justification of the prohibitory ordinance by showing that clear sanitary reasons exist therefor. I send this article to you inclosed with translation that you may have both sides of the case, and the best that can be * * * said for the ordinance. * * * I will remark that its statements of German facts are contradicted by the representations of the members of the Reichstag who opposed the measure. Thus, Herr Richter said that proofs are accessible that the cases of trichinosis observed in Germany arise from the use of German chopped meat. Dr. Barth refuted the statement from statistics, which are now marshaled in the North German Gazette, and which were then presented by Dr. Kohler, and declared the American meat to have been demonstrated as comparatively sound. Deputy Ahlhorn stated in the same debate that he had collected many reports and made many investigations, but not a single case had been authenticated whose sickness had been caused by using American lard or bacon.

You will observe that the Tilsit cases are referred to in this article to strengthen the argument, although, as it must be * * * known that I had investigated that matter, and knew that the amount of disease was greatly exaggerated, and that the pork used was undoubtedly the domestic article, this case is passed lightly over as a newspaper statement. * * * The great fact remains that the bills of health show no particular inconvenience from the consumption of this article of food in Germany or elsewhere. The article admits that such inconvenience does not arise elsewhere, and would not exist in Germany did not the consumers here like the flavor of raw pork. There may be something in the argument that the customs of a country should be considered by its rulers, and if the people here will eat raw pork and so get disease, diseased pork that would be made sound by cooking must be kept out of the country.

The falling off of importations of American pork being so great as represented, it is claimed that the alleged evil should soon cure itself, and it is not worth while to disturb the tranquillity of two continents by prohibiting an importation that has decreased by eight-ninths in a single year. The argument is not ingenuous. A partial prohibition, covering all our chopped meats and sausages, was in operation in 1882, and the threatened prohibition of all pork products, which has been since pending, contributed, with less production in the United States, to decrease the amount sent here.

* * * * * * *

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 155.—Extract from the Norddeutsche Allgemeine Zeitung, May 16, 1883.—Translation.]

In view of the lively discussion caused by the publication of the report of the American minister at Berlin, concerning the prohibition of the importation of American pork, it seems appropriate to call attention to the sanitary grounds upon which alone the issue of that prohibition was based.

On the American side it is asserted with emphasis that the frequent occurrence of trichinæ in American pork is a fable, such pork being really much more healthy than the German. This assertion is entirely unfounded. Apart from the circumstance that uniform measures for the suppression of contagious diseases of animals are utterly wanting in the United States, the official investigations, even as to the extent of the danger, and especially as to the occurrence of trichinæ, are not commensurate with the requirements that must, in the interest of thoroughness, be insisted on in compiling statistics. The pamphlet of Mr. Scanlan, "American Pork," often cited by the opponents of prohibition, touches trichinosis quite superficially only, confining itself essentially to general unauthenticated statements of individual pork-packers and by hog-raisers, that is to say, of persons interested in an unobstructed sale.

Under these circumstances we must consult supplementary investigations in Germany and other countries of Europe, and the statements of American experts (veterinary and medical persons).

Let it be remarked in advance that the microscopic examination of hogs raised in Germany has yielded the following results: Of 12,816,931 hogs examined in Prussia during the period from 1876 to 1880, 6,945, or 0.054 per cent., contained trichinæ; of 29,832 examined at Dresden, in 1878, and of 41,500 examined at the same place, in 1881, 11 and 7, or 0.036 and 0.017 per cent., respectively, were thus affected; and of 444,832 hogs examined in the duchy of Brunswick during an extended period, 74, or 0.017 per cent., contained trichinæ.

How, on the other hand, does American pork stand in this respect? The health commissioner of the city of Chicago, Dr. Dewolff, found that from 3 to 5 per cent. of the hogs examined by him contained trichinæ. The health officer of Erie, Pa., Germer, places on the bases of an experience of long years the percentage of hogs containing trichinæ at something less than eight in a hundred. Billings, of Boston, a veterinary surgeon, educated in Germany, has particularly occupied himself closely with the subject, and, pursuant to his latest communications in No. 222 and in later numbers of the New York Medical Journal, of March last, there were in 1879, among 2,701 hogs, 154, or 5.7 per cent., and in the years 1879, 1880, and 1881, among 8,774 hogs, 345, or about 4 per cent., which were found to contain trichinæ. The results of investigations in Europe are entirely in accord herewith; at Turin, Volanti found 4 per cent.; French experts found 3 per cent. to contain trichinæ. In Germany the average of imported American pork is 4 per cent.; a lot of living hogs imported thence into Germany, in 1880, yielded even 15.9 (in Dresden) and 23.3 per cent. (in Madgeburg) containing trichinæ. It is therefore evident that the danger of trichinosis from indulgence in American pork, including the sides of fat, which always contain layers of meat, is absolutely, as well as in comparison with our German product, extremely great; it is more than sixty times as great as in the case of German pork.

Examinations at the places of importation have not proven to be an efficacious means of control, the microscopic examination being less reliably performed at those places in consequence of the great quantities to be inspected in a short time. It thus repeatedly occurred that meat certified to at a port of entry as being free from trichinæ was, upon a subsequent examination in the interior, found to contain trichinæ.

The objection has been raised that the number of cases of disease actually arising from indulgence in American pork is not in harmony with the above. To meet this objection it must be stated that in ports of entry epidemic trichinosis has repeatedly been proven to have been caused by indulgence in such meat (as, for instance, in Bremen, Rostock, Dusseldorf, and, according to recent newspaper notices, at Tilsit), but that apart from these instances, it has, in many cases, been found quite impossible to ascertain the source of meat that had occasioned disease, the fact having been established *that a very considerable part of the pork from America is sent to Germany but slightly cured (brined), and is then worked up here and adapted to German taste, and finally put on the market as Westphalian hams, Gotha or Brunswick cervelat, sausages, &c.* The American method of preparation does not suit German taste. Diseases arising from trichina wares thus imported, or naturalized in Germany, are, as a matter of course, charged to the account of our domestic hogs.

It is also an entirely unfounded assertion, in conflict with the results of close scientific examination, that trichinæ are destroyed by the customary salting and smoking of pork. There is but one reliable way of attaining this end—to cook the meat thoroughly, trichinæ not being able to withstand boiling heat. In point of fact, in most of the other states of Europe pork is eaten only when thus cooked, and that is why there is much less complaint about trichinæ elsewhere than with us; for the German consumer prefers a product the natural good flavor of which is not impaired by high

seasoning. But as our Government must, in the measures it takes, reckon with the habits of our people, it was a simple duty, on its part, to ward off, by a decree of prohibition, so serious a danger, and one against which the poorer portion of the consuming public, in particular, could not in the least protect itself.

In conclusion, a word about the economic importance of the importation. The amount of meat (fresh and prepared, article 25, g. 1 of the tariff), imported into Germany in 1881 was 190,090 double cwt.; deducting the amount of the export, 56,283 double cwt., there remains 133,807 double cwt. meat (game, beef, veal, pork, sides, &c.); of this about three-quarters, or 100,355 double cwt., consist of pork and sides. The entire consumption of pork, including sides from domestic hogs and from importations (in particular from Russia and Austria-Hungary), of pork and living hogs amounted, on the other hand, in 1881, according to the most exact calculation possible, to 4,106,483 double cwt.; hence the importation from abroad of pork covers only 2¾ per cent. of the entire amount consumed. But even this comparatively small amount of 100,355 double cwt., decreased, in the year 1882, to the ninth part; that is to say, to 11,444 double cwt., although no decree of prohibition had as yet been issued, and the apprehension of such decree should rather have stimulated importation Thus the best testimony is afforded of the slight importance of the matter from an economic standpoint.

No. 201.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 157.] LEGATION OF THE UNITED STATES,
Berlin, May 21, 1883. (Received June 5.)

SIR: Wishing to keep you informed of all facts bearing upon the controversy in regard to the exclusion of American pork products, whether the same be of greater or less importance, I have the honor to state that * * * the North German Gazette published on yesterday, but without comments, another of my dispatches on the abovenamed subject, crediting it to the "Reports of Consuls of the United States." It is to be found on page 39 of the January number of that publication.

So far as I have observed, no comment has so far appeared in any German newspaper upon the strenuous articles in the American press which have followed the North German Gazette's attack on the American minister.

I have, &c.,

A. A. SARGENT.

No. 202.

Mr. Davis to Mr. Sargent.

[Extract.]

No. 119.] DEPARTMENT OF STATE,
Washington, May 23, 1883.

SIR: Your No. 145 of the 28th ultimo has been received. The Department appreciates the embarrassment to which you have been subjected by the misrepresentation in the Norddeutsche Allgemeine Zeitung of your published report of January 1, on the subject of the impending prohibition of American pork imports in Germany.

It is quite evident that the embarrassments to which you advert were not due to the fact of an official publication of your report by the Department, but to what appears to have been a willful perversion of that fact by an unfriendly journal, which, if later telegraphic reports are to be credited, has been brought to admit the groundlessness of its main allegation, that you had corresponded on the subject with an American journal, and to admit that the obnoxious views it had attributed to you were in reality the views of the German press quoted by you.

The Department gives to the consideration and preparation for publication of the dispatches of its agents abroad every attention, with the object of guarding against the publication of their personal views, which might, if known, expose them to criticism or censure in the land of their official residence. On an examination of the blue books of other Governments, it is believed that far more care is here exercised in this respect than in other countries. It is, of course, impossible to prevent malicious or honestly mistaken perversions of such publications by outside parties.

* * * * * * *

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 203.

Mr. Sargent to Mr. Frelinghuysen.

No. 163.] LEGATION OF THE UNITED STATES,
Berlin, June 15, 1883. (Received July 5.)

SIR: Referring to your instruction No. 102½, of the 31st March last, concerning the adjustment of the Venezuela debts, I have now the honor to inclose a copy of a note in accordance with the same, addressed by me to Count Hatzfeldt on the 30th April, and also a copy, with translation, of his excellency's reply of the 14th instant.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 163.]

Mr. Sargent to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, April 30, 1883.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor, acting under instructions from his Government, to lay before his excellency Count Hatzfeldt, imperial secretary of state for foreign affairs, a copy of a document received from the honorable Secretary of State at Washington, No. 102½, containing an ample showing of the existing liabilities of Venezuela to various Governments, including the imperial Government and those of France and the United States, and of the present condition of negotiations relating thereto; the efforts of the United States by mediation to produce a just and satisfactory solution; their views upon the present aspect of the matter, and the course which the United States would adopt with the concurrence of the imperial Government, whose views are requested in the hope of a proper settlement being secured.

This document is so ample in its statements that the undersigned will only call to his excellency's attention the facts emphasized by the Secretary of State, that "the failure to attain a peaceful settlement as between France and Venezuela, and a resort to force by the former to collect her debt, could not but disastrously affect the

ability of Venezuela to meet her just obligations towards the other creditor Governments; that the common interest of all is concerned in reaching an amicable solution of the complex problem presented, and that the United States, themselves creditors, will nevertheless subserve their interests in the matter to the common good."

While respectfully requesting early attention to this subject, the undersigned avails, &c.,

A. A. SARGENT.

[Inclosure 2 in No. 163.—Translation.]

Count Hatzfeldt to Mr. Sargent.

FOREIGN OFFICE, BERLIN, *June* 14, 1883.

The undersigned had the honor to receive the note of the 1st ultimo, in which the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Aaron A. Sargent, has informed him of the proposals which the American Government intends to make in order to bring about an adjustment of the differences existing between France and Venezuela, and at the same time to further regulate for the future the modality of the distribution of the claims to be paid by Venezuela to the various states who are her creditors. The minister has asked the question if the imperial Government would eventually assent to the propositions made by the United States Government.

In answer thereto the undersigned has the honor to inform the minister that if all the other interested Governments announce their adherence to the American propositions to bring about a generally satisfactory solution, the imperial Government is quite ready on its side to join in, and to empower its representative in Washington to put himself in communication with the representatives of the participating states, to fix the amount owing from Venezuela to the individual states, which would serve as a basis for the future contribution of the fund allotted by Venezuela for this purpose. It is understood in this connection, however, that Germany shall suffer no diminution of its rights under its agreement with Venezuela of the 27th January, 1877, through the proposed arrangement of the United States.

The undersigned avails, &c.,

HATZFELDT.

No. 204.

Mr. Frelinghuysen to Mr. Sargent.

[Extract.]

No. 141.] DEPARTMENT OF STATE,
Washington, July 25, 1883.

SIR: I inclose herewith for your information a copy of a note addressed to this Department by Mr. Von Eisendecher, dated May 2,* in which he communicates by instruction of his Government, the reply to your note to Count Hatzfeldt of February 23 last. Previous instructions from this Department, No. 88, of February 21, 1883, and No. 108, of April 11 last, have already put you in possession of the views of the President on this subject. A perusal of Mr. Von Eisendecher's note will immediately suggest to one so familiar as yourself with this particular question, as well as with the distinction between general and discriminating internal measures, certain points wherein it is open to valid answer.

It will be observed that the note contains in substance, although not in terms, a rejection of the President's proposal that a commission of German experts be appointed to examine into the raising and packing

* See correspondence with the German legation in Washington, *post*.

of hogs and hog products for food, because Germany by its laws affords its people protection against danger from German cattle and hogs, and cannot treat the foreign producers better than its own, and therefore an investigation of the American methods of hog raising and preparation would not effect a material change. With the sanitary legislation of Germany thus alluded to this Department is not familiar, but it might well have occurred that a careful investigation of the processes in the United States would have shown that strict legislation of this character is unnecessary here, because of the different situation of the two countries, and the different methods followed in the United States by reason of their large area of thinly settled land, the cheapness of corn and grain, and other incidents peculiar to the occupation of hog or cattle raising in a large and sparsely populated country.

The appointment of the commission suggested would at least have prejudiced nothing, and might have resulted in removing the fears of the Government of His Majesty, and thus aided in securing the revocation of a decree which seriously impaired an important trade between the two countries.

The parallel sought to be drawn between the protective tariff system of the United States and this prohibition of the importation of American pork and pork products does not seem to be well founded. Our tariff is a measure of general application: it applies to German exports to the United States no more and no less than to French, Austrian, or English exports; it is distinctly an internal measure of general and universal application, and as such no more open to objection than any other well-considered and fair system of taxation or custom tolls. Were our tariff to prohibit the importation of certain articles because they come from Germany, permitting the importation of the same articles coming from other countries, or were it to impose a higher duty upon German exports as such than upon the same exports from other countries, then the parallel to the decree now alluded to would become apparent. Nowhere in the tariff, however, is such a discrimination found.

The objection to the decree is not that it excludes unhealthy or diseased pork, or pork products, for such a decree would be a praiseworthy sanitary measure, but that it excludes American pork, healthy or unhealthy, good or bad; the test is not the condition of the food, but the place it comes from. In certain exceptional cases even discrimination in this form would be unobjectionable, as during the prevalence of an epidemic. On this principle, all vessels coming from certain infected ports are quarantined regardless of the actual health of the passengers and crew, but such measures are at the most only temporary, and should be based upon good cause; whereas in the present case there is nothing to show the decree to be of temporary application, and this Government has offered to that of Germany an opportunity to examine into the facts for the purpose of discovering whether the alleged cause actually exists, which offer has not been accepted.

The fact that certain exceptional legislation in Germany as to Austro-Hungarian cattle has not met with objection from that Government may arise from the geographical situation of the countries requiring peculiar and strict regulations not so properly applicable to the products of a nation over 3,000 miles distant, and which can only reach Germany by well-known channels through ascertained ports, where they may be easily examined and inspected. * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 205.

*Mr. Frelinghuysen to Mr. Sargent.**

No. 156.] DEPARTMENT OF STATE,
Washington, October 9, 1883.

SIR: With reference to previous correspondence on the subject I have to inform you that in view of the action taken by Germany and several other foreign powers in prohibiting the importation of American pork, upon the ground that it is an unhealthful article of food, this Government has now taken measures for such a thorough investigation of the subject as will, it is thought, leave no doubt whatever as to facts.

To this end the President has designated a commission which he has charged with the duty of making a searching and impartial examination of all the conditions of hog raising and packing industries of the United States.

The chairman of the commission is Dr. George B. Loring, the Commissioner of Agriculture, whose official duties for several years past have made him familiar with the subject now submitted to the commission for formal investigation.

The other members of the commission are:

1st. Prof. C. F. Chandler, an eminent scientist of New York, who was unanimously selected by the Chamber of Commerce of that city on account of his peculiar competency for the position;

2d. Eliphalet W. Blatchford, esq., who was nominated by the Board of Trade of Chicago as an intelligent gentleman of the very highest social and business standing, who "is in no way personally interested in the business to be investigated, and is possessed of those characteristics which it is believed will enable him fully, ably, and fairly to cooperate with the other members of the commission in placing these most important interests in their true position before the Government, and through it before the commercial world";

3d. F. D. Curtis, esq., of Charlton, N. Y., recommended by the Department of Agriculture as a gentleman who has given long and diligent study to the industry; and

4th. Prof. D. E. Salmon, of Washington, D. C., nominated by the Commissioner of Agriculture, and well known as one of the most learned and skillful veterinary surgeons in the United States.

This commission will be organized at an early day, and the results of its investigation will be submitted to Congress as soon as practicable.

As the imperial German Government has declined to be represented, it will not be necessary for you to communicate the contents of this instruction to that Government, but you may, when a suitable opportunity presents itself, informally make known to the foreign office the action which this Government has taken with reference to the matter.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 206.

Mr. Sargent to Mr. Frelinghuysen.

No. 201.] LEGATION OF THE UNITED STATES,
Berlin, October 15, 1883. (Received October 29.)

SIR: I have the honor to state that I have observed with some interest the news in the German newspapers as to the existence of trichino-

*This instruction was also sent to the United States minister to France.

sis in the Empire since the absolute exclusion of American pork and pork products, and since a sufficiently long time has elapsed to insure accuracy in the conclusion that the stock of American products of that kind is exhausted. From time to time notices of the prevalence of the disease have appeared.

It seems to me now just to conclude that cases reported are caused by the consumption of German or some other than American pork; and that it is no longer possible to ascribe to the articles furnished by the United States the disagreeable results of the consumption of raw pork.

In the Berliner Tageblatt of October 11 appears a telegram from Ermsleben, near Halberstadt, in Prussian Saxony, in which it is stated that there are now in that town about one hundred and eighty persons who have been seized with trichinosis. It is also stated that the epidemic does not seem to have reached its height, as new cases are reported daily, and that four persons have already died.

It is entirely safe to say that no such epidemic as this is shown to have ever resulted from the consumption of American salted pork, which must be cooked to be eaten.

I have, &c.,

A. A. SARGENT.

No. 207.

Mr. Frelinghuysen to Mr. Sargent.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 20, 1883.

Mr. Frelinghuysen telegraphed to Mr. Sargent, instructing that a thorough investigation be made promptly by the nearest consuls of the origin of present trichina cases reported in Germany, for the information of the Commission.

No. 208.

Mr. Sargent to Mr. Frelinghuysen.

No. 203.] LEGATION OF THE UNITED STATES,
Berlin, October 20, 1883. (Received November 10.)

SIR: I have the honor to transmit a return of so-called military cases of naturalized Americans, which have been disposed of since the date of the last report, viz, from October 9, 1882, to October 20, 1883. A number of cases are still pending, including Nos. 102, 103 and 104; Nos. 88 and 92, reported unfinished in my last report, are now finished and herein reported.

The principles governing military cases, and the interpretation of the naturalization treaties are being settled in practice, and it is more and more rare for new and perplexing questions to arise. Although delays sometimes occur, probably from the pressure of business at the imperial foreign office, legal relief is always ultimately furnished upon the request of this legation.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 203.]

Report of military cases disposed of between October 9, 1882, and October 20, 1883.

88. Adolph Koernig was born at Gross Salzdorf, Kreis Schubin, March 16, 1857, and emigrated thence February 17, 1876, at the age of about nineteen years, to the United States, where he was naturalized on November 9, 1881, after a residence there of over 5 years. On November 16, 1881, he returned to his native place, where, under an order from the *Amtsgericht* at Schubin, dated December 23, 1881, he was on the following day required to pay a military fine of 150 marks or suffer imprisonment for the term of one month. After protesting in vain against the action of the local authorities, exhibiting his certificate of naturalization and his American passport, in support of his claim to exemption from the penalty imposed, Mr. Koernig paid the fine. Some ten days later he was forcibly mustered into the Ersatz-Reserve, Co. 4, of the Pommeranian Infantry Regiment, No. 21, in which he served for ten weeks, when he was released. Mr. Koernig had informed the legation of the penalty imposed at as early a day as December 30, 1881, and the legation had at once replied to his communication, asking to be furnished with the evidence of his American nationality. Nothing further having been heard from him it was supposed by the legation that he was no longer molested and that his fine had been repaid him. He, however, addressed the legation on April 17, 1882, returning the military case form that had been sent him to be filled out and informed the legation that he had ever since been awaiting the return of his papers which had been in the hands of the authorities. On the 23d of April, the day of the receipt of the above communication, the legation addressed the foreign office in his behalf, presenting the above stated facts and adding that as Mr. Koernig's treatment seemed to have been extremely harsh, it was hoped a speedy investigation would be made and an early redress afforded if the essential facts were found to be as stated. On the same day Koernig was notified that intervention had taken place. On the 25th of April the foreign office informed the legation very promptly that an investigation had been ordered, promising a further communication after its termination. After some further correspondence had passed between Koernig and the legation as to the unexpected delay in the settlement of the case, the legation was informed by the foreign office, on October 28, that the fine had been remitted and its repayment directed. On October 30th, the date of the receipt of the above note, Mr. Koernig was informed of the successful result of intervention in his behalf, and his papers were returned to him. As Mr. Koernig has not since been heard from, it is believed he has returned to the United States.

92. Gustav Schumann, on June 9, 1882, addressed a communication to the legation asking its intervention, and informing it that a fine had been collected from him, and that he was also summoned to appear before the military authorities in order that his case might be further investigated. The legation at once wrote to Schumann inclosing the customary military case form to be filled out with the necessary facts in his case, and promising, should the facts warrant, to intervene with the German Government in his behalf. On the 17th of June Mr. Schumann returned the form, filled in as requested, stating inferentially that he had also been deprived of his liberty. On the same day the legation intervened in his behalf, presenting to the foreign office the facts in the case as received from Schumann, which were as follows: He was born at Schrothaus, Kreis Obernik, Posen, in Prussia, on the 30th of June, 1853, and emigrated at the age of 17 to the United States, where he was naturalized in 1878 after a residence there of 8 years. In May, 1882, he returned to Germany on a visit to his parents, and was fined 180 marks for neglect of military duty, and, as he alleged, also imprisoned. Schumann's certificate of naturalization could not be transmitted to the foreign office, as it was in the hands of the local authorities at Schrothaus. The legation requested that the fine be speedily remitted if the facts should upon investigation be found to be in accordance with Schumann's statements, and that he be liberated pending the investigation. On June 20 the foreign office informed the legation that an investigation of the case had been ordered, and that a further communication on the subject would in due course be made.

Under date of July 11, a second communication was received from the foreign office, in which Schumann's statement that he had been deprived of his liberty was declared to be untrue, and on October 30 a communication of the 28th of that month was received from the foreign office conveying the intelligence that the fine had been remitted, and the return of the amount paid directed. Schumann, from whom and from whose father several letters with regard to the progress of the case had in the mean time been received and answered, was at once informed of the successful result in his case, and has, it is believed, long since returned to the United States in accordance with his expressed purpose.

94. Andrew Klam, born at Ruhlingen, Saargemünd, Alsace-Lorraine, on the 1st of March, 1853, elected to be a French citizen in 1872, and then entered the French army, in which he remained until he emigrated in January, 1874, to the United States, where

he was naturalized on the 7th October, 1880, and where he has since continued to reside. These facts and others concerning his case were furnished by Klam in two communications, dated June 23 and July 23, 1883, he giving, at the request of the legation in the latter, the full information needed, but not contained in the former. It appeared, further, from Klam's statement, that his father residing at Ruhlingen had been required by the local authorities to pay a fine of 915 marks on account of his son's failure to perform military service, although, as it seems, he had never been a German subject. The full facts as above stated, together with Klam's certificate of naturalization, were presented to the foreign office on August, 1882, immediately upon the receipt of his last communication, with the request that the case be speedily investigated, the amount of the fine returned, and Klam's name stricken from the army rolls, if the facts should be found to be as represented. The return of the fine was requested, although it had been collected before Klam had acquired American citizenship, but after his emigration. This request was preferred, however, with little expectation of a successful result, since in all analogous cases previously submitted, and notably in that of Moritz Neef, reported to the Department in Minister Bancroft Davis's No. 283, of February 21, 1876, the principle had been asserted by the foreign office that no obligation to return fines thus imposed and collected existed. On the 10th of October the foreign office replied to the note of intervention of the legation, declining to return the fine, but conveying the information that Klam's name had already been stricken from the army rolls. Mr. Klam was informed of this decision, and his certificate of naturalization returned to him on the 12th of October, the date of its receipt by the legation. On the same day the case was fully reported to the Department. A peculiar feature of this case appears to be that the fine was levied upon a person who, if he had not yet acquired American citizenship, was of French rather than of German nationality.

95. Alexander Schwarz, was born at Zinin, Province Posen, Kreis Schubin, on June 24, 1858, and emigrated at the age of 15, in May, 1873, to the United States, where he was naturalized in 1879 or 1880. On August 31, 1882, Schwarz called in person at the legation, furnished the above particulars, and added that he had returned on or about July 1, 1882, on a visit to his native place, where he was arrested early in August following and taken before the royal *amts* judge at Schubin upon a charge of violation of military duty in Germany. The judge had discharged him from arrest for the time being, but had taken from him his certificate of naturalization and American passport, transmitting these papers for inspection to the royal state attorney at Bromberg, in whose hands they still were, he presumed. In the absence of these papers, Schwarz could not fix the exact date of his naturalization. As he desired to return to the United States in a few days and feared he might have difficulties at the German port of departure, the legation, after taking his sworn statement of the foregoing facts, furnished him at his request with a certificate setting forth the fact that his papers were in the hands of the German authorities. The legation also immediately addressed the foreign office in Schwarz's behalf, presenting the facts in the case, asking that all hostile proceedings against him might be desisted from, and expressing the hope that his papers might be restored to him before the 3d of September, on which day he desired to sail. Though a gratifying promptitude was shown by the foreign office, the time proved too short for compliance with the latter request. The legation was informed by the foreign office on September 2d that the papers had been sent to Schwarz and that the royal states attorney had already, before the receipt of the note of the legation, recommended the remission of his fine. Though Schwarz's papers did not reach him in time he suffered no detention in Hamburg. His papers were subsequently sent to the legation and transmitted by it to him. On November 16 following the foreign office informed the legation of the final remission of the fine and the legation at once conveyed to Schwarz intelligence of the successful result of intervention in his behalf.

96. Henry Petersen was born February 8, 1850, at Langenhorner Haide, near Langenhorner Schleswig, and emigrated September 2, 1872, to the United States, where he was naturalized March 23, 1878, and where he still resides, never having visited his native country. This case was first brought to the notice of the legation by Petersen's agent in Schleswig. This information proving insufficient, and being unaccompanied by evidence of American nationality, the legation at once replied to the agent's communication asking that he cause an inclosed military case form to be filled out by his client and also procure the latter's certificate of naturalization. The form and the certificate were received from Petersen direct on September 7 following, and the legation on the same day presented the case to the foreign office, informing it that the royal Prussian *Amtsgericht* at Bredstedt had imposed a fine of 150 marks upon Petersen for alleged avoidance of military duty, to secure the payment of which proceedings had, it was understood, been instituted against the property of his mother at Mönkebüll, in Schleswig. Mr. Petersen's certificate of naturalization was inclosed, with the request for its final return, and the foreign office asked to cause the proceedings complained of to be discontinued if the facts proved upon investigation to be as

represented. Petersen was on the same day notified by the legation of the action taken by it in his behalf. Within a few days, on September 10, the foreign office informed the legation that an investigation had been ordered, promising a further communication upon the close of the same. On October 11 following, a final answer was received from the foreign office informing the legation that the attachment complained of had been vacated. This intelligence was at once conveyed by the legation to Petersen, and his certificate of naturalization returned to him.

97. Philip T. Salzer was born on January 22, 1853, at Metzingen-on-Arne, in the Kingdom of Wurtemberg, and emigrated in July, 1866, at the age of 14, to the United States, where he was naturalized October 14, 1874, and where he still resided, never having revisited his native country.

A letter dated March 27, 1882, was received by the legation on April 10 following, from Salzer, in which he informed it that an inheritance was due him in Wurtemberg which he had during an extended period in vain endeavored to collect through his guardian, and asking that the legation investigate the matter, ascertain what the difficulty was, and see that his rights were observed. On the same day the legation replied to Salzer's communication, informing him that his inheritance had probably been attached by the Government as security for a fine imposed on him for a failure to perform military duty in Germany upon attaining the age for service. He was requested to fill in an inclosed military case form, and transmit it and his certificate of naturalization to this office, in order that such measures as the occasion called for might be taken by the legation for his relief. On the 7th of October following, the legation received from Salzer the requisite facts in his case, and also his certificate of naturalization, and on the same day intervened in his behalf with the foreign office, submitting the facts furnished by Salzer, expressing the belief that an attachment for a military fine had been laid on the inheritance, and requesting that all obstacles to the delivery of the same to Salzer be removed if the facts should be found to be as stated. On the same day Salzer was informed that the legation had addressed the German Government in his behalf. On the 22d of January following, the legation received a note from the foreign office informing it that the fine had been remitted and the attachment vacated. On the same day the legation informed Salzer of the successful result of intervention in his behalf, and returned to him his certificate of naturalization. As nothing further has been heard from him, it is inferred that no further difficulty arose and that he is in possession of his inheritance.

98. Valentine Witowiak was born at Posen, Prussia, on the 14th of February, 1858, and emigrated in September, 1873, to the United States, where he was naturalized on the 17th of October, 1879. On the 29th of November, Witowiak appeared in person at the legation, presenting a letter signed by himself, containing some of the facts in his case. This information was supplemented by his filling out the customary military case form. It appeared that he had arrived in Germany on a visit to his parents at Posen, on the 26th of February, 1882, and had soon thereafter been summoned by the local authorities to pay a fine for failure to perform military duty or suffer one month's imprisonment. The legation on the same day presented the case to the foreign office, inclosing Witowiak's certificate of naturalization, requesting an early investigation, that Witowiak be no further molested pending the same, and that the fine be remitted if his statements were found to be true. On the 11th of December an answer was received promising that Witowiak should not be molested pending the investigation which had been ordered, and that the legation should in due course be made acquainted with the result of the same. A further note was received from the foreign office on March 10 following, conveying the satisfactory intelligence that the fine had been remitted. This result was on the same day communicated to Witowiak, and his certificate of naturalization returned. Nothing further has been heard from him.

99. Jörgen J. Grau was born at Holm, near Norburg, Alsen, Schleswig-Holstein, on the 17th of August, 1848, and emigrated on the 20th of September, 1872, to the United States, where he was naturalized on October 11, 1881. This case was first brought to the notice of the legation in a communication received from the United States consul at Hamburg on the 20th of September, 1882. Inclosed with the same was a document signed by a local official which seemed to assume that Grau desired to be rehabilitated in German citizenship, and stated that as a condition of his continued residence in Germany he must show his ability to support his family, and also that he had hitherto done so, and that he was honest. Grau requested the legation to furnish him with a certificate setting forth these facts. The legation at once addressed Grau, through the consulate at Hamburg, informing him that it did not come within its province to furnish certificates to facilitate the resumption of German allegiance, but that if it were made to appear that he was simply visiting Germany with a bona fide intention of returning to the country of his adoption, the legation would render him all proper assistance. He was advised as to what his rights were, and invited to appeal to the legation if they were in any way infringed upon. The customary military case form was inclosed to be filled out and returned in case of need. On

the 15th of December, a further communication was received from Grau, in which he protested that he only wished to remain in Germany for two years, and requested that the legation take such measures as might seem necessary to arrest his threatened expulsion before the conclusion of his contemplated stay. On the same day the legation addressed the foreign office, asking that Grau be allowed to remain unmolested in Germany for the period of two years, provided for by the treaty of February 22, 1868. On May 4 following, the legation received a note from the foreign office, stating that Grau would not be molested before the expiration of the two years. This satisfactory result was at once communicated to Grau and his certificate of naturalization returned him. As nothing has since been heard from Grau, it is presumed he has returned to the United States.

100. Charles William Scheibert was born in New York on the 22d December, 1856. His father, Julius Scheibert, had emigrated to the United States in 1856, was naturalized there in 1864, and in 1869, with all his family, returned to Germany, where they have since remained. On the 19th December, 1882, the son, William Scheibert, was suddenly impressed into military service, though he had been unmolested since he had arrived at the military age. The parents called in person in the greatest distress to ask the intervention of the legation on the day after the event, and a note calling attention to the case was addressed at once to the foreign office, asking that the young man might be allowed to return to his parents for the Christmas holidays, and while the case was pending, and expressing the firm belief that his American birth ought to save him from military service. In accordance with the minister's request a furlough of fourteen days was granted to young Scheibert, but at the end of that period he was obliged to rejoin his regiment. For another month nothing more was heard from the foreign office, and the parents became so impatient at the delay that, on the 29th January, another note was sent to the foreign office urging the son's release, and, in addition, the minister spoke concerning the matter to the minister of foreign affairs on the 9th February. On the 10th February the latter informed Mr. Sargent verbally that the father and son had both been naturalized German citizens, and subsequently furnished the legation with copies of the father's application for German citizenship for himself and his son, and the granting of the same by the court. This put an entirely different complexion on the case, and the father was informed of the discovery the legation had made of his renaturalization which he had kept back, but which he did not deny, and declining to do anything more for him till instructions could be received from the Department of State, to which the case had been referred on the 26th February. On the 5th April the reply of the Department, dated 16th March, was received, approving the minister's course, and forbidding any further intervention in his behalf. This decision was communicated at once to the father and the foreign office, and the son's papers returned to him. No notice was taken of a subsequent letter from the father asking that another attempt should be made to have the son released.

101. Xavier Ehret. This case was originally brought to the notice of the legation through an instruction from the Department of State of the 5th March, 1883, directing the minister to intervene in Mr. Ehret's behalf. The facts were as follows: Xavier Ehret was born in Niederbrück, Massmunster, Upper Alsace, 19th December, 1857, emigrated thence to the United States in October, 1874, with the permission of the authorities, before he was 17 years old, was naturalized at Philadelphia on the 7th October, 1879, and had continued to reside in that place. In his absence a fine was levied upon him, and an attachment put upon his paternal estate as security for the same. On presenting these facts to the foreign office, with his citizen paper, on the 5th of April, the case was immediately investigated, and a reply was received on the 23d August that the fine and attachment were removed, which was duly communicated to the Department, and his papers returned to Mr. Ehret, in dispatch 184 of August 27 last.

Cases 102, 103 and 104 unfinished.

105. Carl W. Geiler was born on December 10, 1856, at Leipsic, Saxony, and emigrated on February 27, 1876, to the United States, where he was naturalized on April 21, 1881. On May 19, 1883, a letter dated April 30, accompanied by a communication from his representative in Congress, commending him to the legation, was received from Geiler. In it he communicated the foregoing facts, and expressed the apprehension that he might be troubled by the local authorities upon making a contemplated visit to his native country, as he had understood that a judgment for unallowed emigration had been entered against him in Germany, and requested the intervention of the legation to prevent any trouble that might arise. On the day of the receipt of Geiler's letter, the legation wrote to him that unless he was actually a deserter from the standing army of Germany he would be protected by the treaty and might safely return, it being very improbable that he would be molested. Copies of the treaty of 22d February, 1868, and of certain German ministerial decrees issued in execution of the same, were also inclosed, in order that he might be able to show them to the German authorities should occasion therefor arise after his return to Germany. On June 18 another letter was received from Geiler, giving further information, inclosing his certificate of naturalization, and asking intervention in his behalf. On the same day

the legation acknowledged the receipt of his letter, informing him that it seemed unnecessary to intervene in advance of any attempt to execute the judgment he complained of, which attempt would in all likelihood never be made. That such judgments were entered against all military absentees, as a matter of course, but that there was rarely an attempt made to enforce one against a person protected by the treaty as he was. On the 23d day of June, an instruction of the 6th of that month was received from the Department of State, directing that application for the remission of Geiler's fine be made, he having in his anxiety appealed to the Department also. On the same day the legation submitted the case to the foreign office, and on the 25th of the month informed Geiler of the fact, he having in the mean time made written inquiry as to the progress made in the case. Shortly thereafter, having arrived in Germany, Geiler called in person at the legation, still displaying much anxiety, which the legation endeavored to dispel, assuring him there could be no doubt of the successful issue of its intervention in his behalf. On the 14th of August following a note was received from the foreign office informing the legation of the remission of Geiler's fine. This information was conveyed to Geiler, and his certificate of naturalization returned to him the same day. The Department was also at once informed of the result. Nothing has since been heard from Geiler.

No. 209.

Mr. Sargent to Mr. Frelinghuysen.

No. 204.] LEGATION OF THE UNITED STATES,
Berlin, October 20, 1883. (Received November 10.)

SIR: Referring to my No. 201, of 15th October, relating to the prevalence of cases of trichinosis in Germany since the absolute exclusion of all kinds of American pork products, and after the lapse of sufficient time to exclude the conclusion that the cases of disease arise from the consumption of American pork, I am now enabled to state fuller particulars of the epidemic that has broken out in Prussia, as I gather them from the Berlin newspapers, and the dispatches sent from this city to the London journals. A telegram from Berlin to the London Daily News of Tuesday last has the following:

> Considering the Draconian measures taken by the German Government against the importation of American pork, it is very strange that a most alarming outbreak of trichinosis is reported from Saxony. In some ten villages nearly four hundred persons, including entire families, are prostrated by the terrible disease. Deaths are occurring daily, and over fifty cases are stated to be beyond hope, while the physicians expect the disease to spread still further. The police are actively engaged in searching for the origin of the epidemic.

The "Draconian measures" referred to have only been directed against American pork, and that in view of the fact, seemingly well founded, that the consumption of American pork in the United States, England, Switzerland, and Belgium, where it is thoroughly cooked before eating, very rarely produces consequences injurious to health; and also that investigation showed that the cases of trichinosis occurring in Germany before the prohibition arose from the consumption of native or Hungarian pork in its raw state, and not from the use of American pork. Good medical authority in France sanctions the view that American pork is not dangerous.

However much controversy might be raised over these propositions, there is no room for assumption that the present distressing epidemics are caused by the American articles. It might be worth all the inconvenience of a year's exclusion of our products of this kind for the result to be so clearly demonstrated that the cases of trichinosis which sometimes occur in Germany are unjustly ascribed to American pork. It

has been the universal habit here to assign, without inquiry, this origin to trichinosis cases. Thus the cases occurring at Königsberg (Tilsit) were so accounted, although the inquiries which I caused to be made of the local military and civil authorities controverted that conclusion.

The correspondent of the Daily News falls into the same strain, and holds it extraordinary that trichinosis should be so prevalent and disastrous after the severe measures taken against American pork, as if such measures were all that were necessary to insure immunity.

I inclose a dispatch from the infected district, published in the Berliner Tageblatt of the 17th instant, with translation, in which the details given by the correspondent of the Daily News are confirmed. By this dispatch it seems the disease has been developing for some four weeks, and has spread through several villages, whose inhabitants are accustomed to eat raw sausage meat. All who have eaten pork in this form have died, and many are sick who have eaten probably imperfectly cooked meat and sausages from the infected pigs. The butcher who killed the swine, and the inspector, and their families, are sick. There seems to be no decline as yet in the disease, the horror of which is said to surpass conception. The local authorities are taking the expense of medical treatment upon themselves. That it is genuine trichinosis is shown by examining the flesh of the deceased.

These facts are interesting as showing that the ordinance of the Empire discriminating against American pork, while admitting Russian, Hungarian, or French pork, was not calculated to accomplish its avowed object, viz, the prevention of disease and death from trichinosis. There is no evidence that American pork is worse than that furnished by other countries, and hence no ground for discrimination against it. The danger comes at least equally from other quarters, viz, from German pork, or the pork of the neighboring countries. This is already demonstrated by the facts above given, for American pork cannot be accused of being the cause of these present disasters. If this disease is caused by German pork, the claim in Herr Von Eisendecher's note of May 2, 1883, to the honorable Secretary of State, is not justified, viz:

> Now, as Germany, by its strict and vigorously enforced legislation, *affords the same protection to its people at home against all dangers from German cattle and hogs*, it cannot possibly treat the foreign producers better than its own.

If the disease comes from foreign hogs, except American, allowed still to be freely imported into Germany, the measure prohibiting our products was not only discriminating against the United States, but ineffectual. In any view the whole subject needs reconsideration by Germany.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 204.—Extract from Berliner Tageblatt of October 17, 1883.—Translation.]

ERMESLEBEN, NEAR HALBERSTADT.

The symptoms of trichinosis of which we have already made mention first made their appearance about four weeks ago in Ermesleben, where the pig or pigs were killed. About two hundred persons lie ill there, of whom fourteen have already died. Then followed Nienhagen, a small way-station near by, where about eighty persons have been attacked, none of whom have died as yet. Further, the disease appeared in Grüningen, Quenstadt, Schwanstedt, and Wegeleben. In all about three hundred persons suffer from it, of whom seventeen have died. Throughout the region the habit of eating (raw) chopped pork (so-called sausage meat) predominates, especially among the laboring class. All who have eaten of it in this shape die. But those, too,

who have eaten it boiled, or as sausages—yes, as is asserted, even as lard, have been severally attacked with the malady, although their cases are not so hopeless. There does not seem to be a decline in the epidemic, and according to the opinion of the attending doctors, 50 per cent. of the infected die. Other reports estimate the mortality at 20 per cent. May the Almighty prevent this, for the horror of this malady surpasses all conception. In one family five persons, and in another seven, even, have been attacked. In one family four persons died. Even the butcher who sold the meat, and the inspector of the meat, together with their families, are sick. The former has already lost his mother, and there is little hope for himself. The parish authorities have taken very laudable steps to alleviate the distress. In Ermesleben the local authorities have taken the expenses of medical treatment, &c., upon themselves, and Deesdorf immediately granted 1,000 marks for that purpose. Those that die are all young, vigorous persons, and in most cases fathers or mothers of families.

In a portion taken from a female corpse for dissection, seventeen trichinæ, freed from the capsules, were easily discernible. Upon whom the blame falls, or whose negligence caused this disaster, will probably never appear, since, as already mentioned, the butcher as well as the inspector of the meat, a barber, have both been attacked by the disease.

No. 210.

Mr. Sargent to Mr. Frelinghuysen.

No. 205.] LEGATION OF THE UNITED STATES,
Berlin, October 22, 1883. (Received November 10.)

SIR: I have the honor to acknowledge the receipt last night of your telegram, reading as follows: [See *ante*, No. 207.] I have to-day communicated a copy of the above telegram to Mr. W. C. Fox, consul at Brunswick, with instructions to carefully and promptly execute it. I will send this report as soon as it is received. A copy of my letter to him is herewith inclosed.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 205.]

Mr. Sargent to Mr. Fox.

LEGATION OF THE UNITED STATES,
Berlin, October 21, 1883.

SIR: Late last night I received a telegram from the honorable Secretary of State, which reads as follows: [See *ante*, No. 207.] The cases of trichinosis referred to in the above are reported to have developed first about four weeks ago at Ermesleben, near Halberstadt, in your immediate neighborhood, and to have taken formidable dimensions there, so that by various accounts from fourteen to fifty persons have already died, and two hundred persons now lie ill. The disease has also appeared at Gröningen, Quenstadt, Schwanstedt, and Wegeleben, in the same neighborhood, so that in all, it is stated, three hundred persons have suffered from it. The Department desires information to be at once furnished (for the use of the commission of inquiry into the general subject of American rearing and packing pork) as to the origin of this disease in the localities in question. Where were the pigs raised which were consumed by the sufferers; in what form was the pork eaten, raw or cooked? In short, all facts obtainable bearing upon the origin of this disease are wished.

As your consular district embraces these localities, you will please make immediate inquiry as to these points and any other bearing on the subject which you may deem useful, as to the extent of the epidemic: for instance, the number of persons affected, the number of deaths, and action of the authorities in view of the emergency, &c. Also, please inform me if any American pork now comes into your district, and if there is any reason for ascribing this visitation to American pork. I will transmit your report to the Department.

I will ask you to give immediate and personal attention to this matter by making inquiries on the spot of municipal officers, physicians, and others able and willing to

inform you. I am aware that you cannot take testimony under oath in such cases; but you can undoubtedly gather much and valuable information, and your acquaintance with the German language and public experience peculiarly fit you for this work required by the Department. I have no doubt that the honorable Secretary will allow you for any necessary expenses incurred in executing his order.

I have, &c.,

A. A. SARGENT.

No. 211.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 208.] LEGATION OF THE UNITED STATES,
Berlin, October 26, 1883. (Received November 12.)

SIR: I am now able to transmit the able report of Mr. W. C. Fox, consul at Brunswick, made in response to my request of the 21st instant, in obedience to your telegraphic instruction received here on the night of the 20th.

Mr. Fox intelligently followed the directions given to him, and was furnished every facility by the local authorities, whose courtesy towards him was most marked.

I refer the Department to his inclosed report for a full statement of the origin, nature, and extent of the disease. It may be briefly stated that the fully ascertained cause of the epidemic was the consumption, mostly in an entirely raw and partly in a partially raw condition, of the flesh of three hogs raised in the vicinity, mixed with that of a Hungarian hog. The extraordinary spread of the disease, through five villages in a circuit of 2 miles, occurred because the potato harvest was in progress, and it was customary for the people to eat raw meat and bread in the field at such times instead of spending time to go to and return from their homes. The inspection is alleged by the inspector and butcher to have been made in accordance with the law, though the record required by law was not properly kept. The inspector was the village barber, the person habitually employed in Germany for such inspections, who passes an examination as to his fitness for the task. But the three preparations made for microscopic inspection, under the law, are not sufficient to give safe results, as trichinæ are sometimes found only after thirty or forty trials. The only safeguard of the consumer against the disease is thorough cooking, and this is ample.

The whole number of cases so far is about 438, of which 36 have been fatal and 19 more probably will be fatal.

I learn from another source, outside of this report of Mr. Fox, from an eye-witness who is fully reliable, that the scenes at Ermesleben are distressing in the highest degree. My informant entered one house where the grandmother, father, and son lay dead, and a daughter, about eighteen years of age, lay sick. She is the only one of the family left, and may recover. There are about 700 inhabitants in the village, living in about 120 houses. There are 267 sick in 85 houses. Some of the people are in want, but the community is rich, some of the peasants being worth $200,000 apiece. There is a large kitchen where food is prepared for all the sick, for rich and poor alike.

The sickness is accompanied by extreme exhaustion. Swollen extremities force the patients to remain perfectly still for weeks, unless

relieved from suffering by death, which is caused directly by suffocation. These sad scenes lead to several conclusions:

1st. American pork is exonerated from the suspicion of being the cause of this disaster, and its prohibition by Germany upon the theory that it is more harmful than other pork is unadvised. * * *

2d. The inspection laws of Germany are totally inadequate to prevent such calamities so long as the people indulge the habit, which seems to Americans nauseous, of eating pork raw.

3d. This epidemic is a terrible warning to Germany to abstain from eating raw pork. In the language of Professor Hertwieg to the convention of butchers of Berlin, in 1865, "You know what you have to do in your kitchens, and if you do it properly we have no need of inspection."

The constant danger from native pork eaten in a raw state is shown by the results following the prospect of local rewards given for the detection of trichinæ. I translate the two following announcements from a recent number of the Halberstädter Intelligenzblatt, published in the infected neighborhood, showing not only that the domestic article is highly dangerous, but that the inspection contemplated by the law is insufficient:

QUEDLINBURG, *October* 14.

A reward of 30 marks of public money has been awarded to Inspector Reder, at Gr. Schierstedt, for the discovery of trichinæ in a hog examined by him.

The magistrate of Quedlinburg has awarded a reward of 15 marks to the inspector of meat, Julius Yrem, for the discovery of trichinæ in a pig slaughtered on the 29th ultimo.

An article published last spring in a newspaper of Berlin, which is usually supposed to express official ideas, held to the view that the prohibitory decree was proper, because a Government must recognize in its acts the tastes of its people; that Germans like to eat pork raw, and hence the fact that well-cooked pork is safe and uncooked pork dangerous does not make any difference; the Government will keep out the American article because it is dangerous in a raw state. The discussion of these events at Ermesleben in the German papers has been quite restricted, and it seems to me there has not been much disposition to draw the natural inferences, viz, that the eating of raw pork of all nationalities should cease. * * *

I have thanked Mr. Fox for his interesting report, and will forward to the Department the official statement of the local authorities to which he alludes as soon as I receive it, and will also have inquiries made as to any other neighborhood in which I may observe the disease stated to be prevalent.

I have, &c.,

A. A. SARGENT.

[Inclosure in No. 208.]

Consul Fox to Mr. Sargent.

UNITED STATES CONSULATE,
Brunswick, October 25, 1883.

SIR: In compliance with your instructions I visited the villages of Ermesleben and Deesdorf, in this consular district, on October 23, and have now the honor to make the following report upon the trichina epidemic prevailing in that vicinity.

Ermesleben, the place where the disease has taken most formidable dimensions, is situated near the Harz Mountains, about five English miles from the city of Halberstadt, in the province of Saxony. It embraces in its confines some of the most fertile soil, and is one of the most prosperous localities in the Prussian Kingdom.

The scourge now raging there has awakened not only the heartfelt sympathy of all, but the liveliest interest in medical circles, and the locality is visited daily by physicians from abroad and others interested in obtaining scientific information in regard to it. It has assumed such proportions that it is absolutely impossible for the resident physicians to attend to all the cases. Under the direction of privy counselor Prof. Dr. Weber, of Halle, Mr. Wagner, a student of medicine, is on the spot ministering to the wants of the sick and taking notes for the purpose of future publication. To this gentleman, as well as to Mr. Pastor Greiling, who is also unceasing in his attentions to the sufferers, and to Mr. Amtmann Heine, magistrate of the village, I am indebted for many courtesies shown, as well as for information in regard to and opportunity to personally see many of the patients. The sickness was first noticed in Ermesleben about September 16. Several persons were taken suddenly ill with nausea and acute diarrhea. Medical aid was obtained forthwith, and it was first thought that a cholera epidemic had broken out (*cholera nostras*), until other symptoms—swelling of the eyes, face, and extremities, combined with high fever—showed that it was undoubtedly trichinosis. The disease spread rapidly, and up to date 433 cases have been recorded; 36 have been fatal, and upwards of 19 will undoubtedly prove so, as follows:

Places.	Cases.	Deaths.	Probably die.
Ermesleben	267	27	14
Nienhagen	80	None.	?
Gröningen (Kloster)	10	2	?
Deesdorf	40	7	5
	397	36	19
	433		

In Nienhagen and Gröningen the cases are much lighter than in Ermesleben, and in all probability the patients will all recover. Several cases are reported to exist in Wegeleben and Köthhof, though not over five in all. All of the infected villages lie within a circuit of about two English miles. I made Ermesleben and Deesdorf the basis of my investigation, and was informed by the gentlemen with whom I conversed upon the subject that I could learn nothing of further interest in the other places, as all the parties competent to give me information were in Ermesleben at the time.

When it became apparent that the disease was trichinosis the local authorities immediately instituted a thorough investigation in the endeavor to locate its origin.

It appears that on or about the 12th and 14th of September four swine were butchered; the meat of all was mixed and sold to the inhabitants of the infected districts. Three of the pigs were the so-called *Landschwein* (common kind reared in the vicinity), the other was *Baguner* (Hungarian). The fact has been established beyond all dispute that in all the cases the patients had eaten the meat *raw*, either in the form of *Klumpfleisch* (raw chopped meat) or in the form of *Rothwurst* (blood sausage). This latter article is said to be cooked, but (my informant, Mr. Pastor Greiling, assured me) so slightly as to have no effect whatever upon the trichinæ germs. The custom of eating raw swine's meat is prevalent in the neighborhood, and the first trichina epidemic occurred in 1865, though it was not so disastrous as the one now raging. The inhabitants caimed then, as now, that the swine were not properly inspected. The country folk have the idea that the examination, when conducted according to law, gives them ample security. Dr. Wagner maintained to me, however, that this is an erroneous supposition, and that the present law is very defective. The law requires the inspector to make at least three preparations for microscopic examination, and, as a rule, he rarely makes more. It is asserted, however, that experiment has proved that the trichinæ are sometimes found only after the thirtieth or fortieth trial respectively. In 1865 Professor Hertwieg, in an address delivered before a convention of Berlin butchers, said, "You know what you have to do in your kitchens, and if you do it properly we have no need for inspection."

I think that the whole case is here stated in a nut-shell, and Ermesleben affords additional evidence of the truth of the statement. Mr. Amtmann Heine, leaseholder of the Ermesleben estates, together with his family, partook of the meat in cooked form. None of them have suffered in the least. One of the kitchen maids, however, simply tasted of the raw meat and is ill. The village tavern-keeper and his family also ate of the cooked meat and are well and hearty. His little daughter ate some of it raw at a neighbor's home and became slightly infected. The sworn official inspector, who is, by the way, the village barber in Ermesleben, and the butcher, have been held to answer, and in the preliminary examination, the charges of

manslaughter, infliction of bodily injury, and negligence in performance of duty have been preferred.

Under the law the butcher is required to notify the inspector when he has slaughtered a pig. The inspection is then made, which consists simply in making preparations for microscopic examination, as before stated; the inspector then certifies to the facts as they may appear to him. If he declares the animal to be clean, its meat can be sold for consumption. The butcher, as well as the inspector, is required to keep a list of all swine slaughtered and inspected. This list is at all times open to the revision of the authorities. In the case in question it appears that this list was not kept, or, if kept at all, so imperfectly as to be wholly worthless as evidence. The delinquents made an effort to put it in order, were detected and finally acknowledged it. They nevertheless earnestly maintained that the inspection was made according to law. The parties as well as their families are all sick; several members have died, and others are at the point of death. A circumstance which in a measure explains how it happened that the epidemic assumed such formidable proportions in Ermesleben is the fact that it was the time of the potato harvest, and the whole village, young and old, men, women, and children, were at work in the potato fields. At such times it is the custom not to cook a midday meal, but, in order to save the time which would otherwise be consumed in going and coming, to take a simple repast composed of raw meat and bread. As a natural consequence the sickness has caused great consternation in the community, and the people have become doubly careful. As a result, according to the Halberstädter Intelligenzblatt, several infected swine have been discovered. Mr. Meinecke, a veterinary surgeon in Derenburg, succeeded in finding one, and in his report makes the following suggestions:

1. In order to secure thorough inspection to offer a high premium for every infected hog found.
2. Not to eat the raw meat.
3. To adopt measures to prevent the swine becoming infected.

In conclusion it is hardly necessary for me to mention that the local authorities as well as private charity are doing all that human power can do to relieve the present distress. I cannot, however, refrain, in expressing my sincere thanks to Pastor Greiling and Mr. Wagner, to refer to their untiring energy and self-sacrifice of personal interests, in the work which they have on hand. Mr. Wagner is preparing an exhaustive report, which he has promised to send me when completed, and I hope to be able to transmit same to you at an early day. While we certainly deeply sympathize with this sadly afflicted community, it must nevertheless be the source of peculiar satisfaction to our countrymen to know that the malady was not caused by American meats. In fact, it has not been even intimated that such a thing was possible, and there is no evidence that American pork has ever been used there at all.

I have, &c.,

WILLIAM C. FOX,
United States Consul.

No. 212.

Mr. Sargent to Mr. Frelinghuysen.

No. 213.] LEGATION OF THE UNITED STATES,
Berlin, November 5, 1883. (Received November 20.)

SIR: Referring to previous correspondence on the subject of trichinosis, and in particular to my dispatch No. 208, of October 28 last, with which I inclosed the report of Consul Fox on the outbreak of the disease at Ermesleben and other places in the vicinity, I have the honor to communicate in translation an announcement reporting the progress of the disease at those places, which I take from the National Gazette of this city of the 1st instant:

In the last few days two or more persons have died of the trichinosis in the neighboring village of Ermesleben. This makes the number of persons who have died there 30, and in the vicinity 9; altogether 39. Unfortunately 270 persons are still prostrated by the terrible disease, among them several who are severely ill, and whose death is daily expected. As the physicians have recommended as the best diet strong bouillon and wine, many of the sufferers being unable to swallow solid nourishment on account of the swollen condition of their throats, the community continues to cook and provide for all in common. Some 60 pounds of good sound beef are required daily in

order to comply with the directions of the physicians. The assistance required from and supplied by the community has thus far amounted to about 900 marks weekly. A writer to the Magdeburg Gazette says that this community, which is not without means, and which enjoys the enviable position of having no local poor to provide for, has for some five weeks and until now been able to carry on unaided this work of love, but that it now needs the assistance of charitable people.

It will be seen from the above that the number of the sufferers, and also the number of deaths from the disease, have increased since the date of the report of Consul Fox, 267 to 270 and from 36 to 39, respectively, while several more fatal terminations are anticipated.

Another outbreak of the trichinosis, though of a far milder character, has occurred at Zechin and neighboring villages situated in the vicinity of Frankfort-on-the-Oder, in Prussia. A Berlin sheet, the Neueste Nachrichten, of the 25th ultimo, makes the following announcement:

The trichinosis has lately assumed most serious dimensions in spite of all legal and administrative measures. At Zechin, in the circuit Letschin, the disease has appeared in thirty families. In Letschin two persons have been attacked; at Vossberg eight; other persons are reported as attacked at Sydowswiese, Friedrichsau, Golzow, and also in the so-called bush villages (Gericksberg, Lemaunshösel, Bayersberg) and elsewhere. It is hard to say where the outbreak may end, since the supposed diseased meat, worked up into garlic sausages, has been disseminated far and wide. The persons attacked at Zechin assert that they bought and ate about two weeks ago pigs' flesh from a dealer at that place. This dealer and his son are among the persons attacked.

Within a brief period after the above publication it was reported that the disease at Zechin was of a mild type and that it was believed by the physicians that all the patients would recover; also that the investigation had not disclosed the source of the meat causing the disease, and that no facts had appeared fastening the sale of the diseased meat upon the dealer at Zechin.

I shall carefully watch for any report of results that may be reached in the search for the origin of this outbreak, and cause an investigation to be made on the spot, if the expenditure seems warranted, and report thereon. In the mean time it would seem safe to assume that the blame cannot attach to American pork so long after prohibition of its importation into the country.

I have, &c.,

A. A. SARGENT.

No. 213.

Mr. Sargent to Mr. Frelinghuysen.

No. 214.] LEGATION OF THE UNITED STATES,
Berlin, November 12, 1883. (Received November 26.)

SIR: Referring to the subject of trichinosis at Ermesleben, I have the honor to transmit the latest news from that place of the progress and conditions of the disease, in the following translated excerpts from the local papers:

HALBERSTADT.—Yesterday and day before there were five more deaths from trichinosis in the neighboring village of Ermesleben, so that the total number of persons of every age who have succumbed to this terrible disease is forty-one. In the surrounding villages nine have died to date. The distress is daily increasing. It is, however, gratifying that the call for assistance is meeting with such hearty response. The collection opened by Dölle's newspaper of this place already shows receipts up to nearly 600 marks. It seems striking that just at this time trichinæ should be so frequently discovered. Among others, Mr. Meinicke, veterinary surgeon in our neighboring town of Deren-

burg, Meat Inspector Plettner, of Wernigerode, &c., have lately found swine infected with trichinæ. Notwithstanding the fact that the discovery of trichinæ in swine is of so frequent occurrence, the insurance, which costs from 30 pfennige to 50 pfennige per pig, is generally neglected. We have positive information that a whole family in Grüningen have been taken sick with trichinosis, happily not dangerously, from eating of pig which they had themselves slaughtered and inspected. A second inspection after several weeks had elapsed showed the pig to be slightly infected.

The fact is important that a family has been stricken down after eating pork which had been especially killed and inspected by itself, as the opinion prevails that such special inspection is a sure guarantee against trichinosis.

The same paper, of the 7th instant, has the following:

HALBERSTADT, *November* 5.—To-day Mr. E. Bodenstein, meat inspector of this city, again discovered trichinæ in a pig slaughtered by a local butcher. We are informed by experts that the trichinæ are found to exist chiefly in the lights and diaphragm of infected swine, but that the examination of these parts is generally omitted. Trichinæ are found in almost equal numbers in the diaphragm and the so-called tenderloin; in less numbers, however, in the hams. It is nevertheless generally believed, and the idea is prevalent, that the chief seat of the trichinæ is the hard muscles and hams. A thorough examination by expert meat inspectors is absolutely necessary.

It will be observed that inspection, so often fallacious, is still recommended, instead of cooking or even salting, which probably destroys the germs.

By an item in the Berlin Tageblatt, of yesterday, I learn that during the past month of October there were discovered at the municipal meat inspector's office at the central slaughter-house, at Berlin, where all cattle are slaughtered, twenty-two cases of trichinæ and one hundred and twenty-seven measly swine. These were seized by the police and taken to the fiscal rendering house for destruction, or for other than food purposes.

I have, &c.,

A. A. SARGENT.

No. 214.

Mr. Sargent to Mr. Frelinghuysen.

No. 218.] LEGATION OF THE UNITED STATES,
Berlin, December 1, 1883. (Received December 17.)

SIR: I have the honor to inform you that, in consequence of notices which appeared in the daily papers that an outbreak of trichinosis had occurred at Thorn, a city in West Prussia, of 70,000 inhabitants, I wrote to Mr. Peter Collas, our consular agent at Danzig, to furnish me with such particulars as he might be able to obtain in regard to the reported epidemic.

The following is one of the notices referred to:

THORN, *November* 20.—It is confirmed that about fifty persons have been attacked by trichinosis here; up to Saturday twenty-one cases were authenticated by the district physician, and since then many new cases have been reported to the police. A meat shop, in which infected sausages were discovered, was closed on Saturday, but after an inspection of the remaining wares was again opened. The owner of the shop had received about 230 pounds of meat from Culmsee, through which the dreadful disease seems to have been brought hither, as previous to this several persons had been attacked by trichinosis at Culmsee. By order of the commander of this place, the soldiers of the garrison are forbidden to purchase sausages or raw ham in the meat shops here.

I herewith inclose a copy of the reply received from Mr. Collas, with a copy and translation of the letter from the editor of the Thorn newspaper, from whom his information was received, which confirms the above report. It seems that the pork causing the mischief is of native production.

I have, &c.,

A. A. SARGENT.

[Inclosure 1 in No. 218.]

Mr. Collas to Mr. Sargent.

UNITED STATES CONSULAR AGENCY,
Danzig, November 30, 1883.

SIR: In consequence of your request, I at once made inquiries respecting the trichinosis at Thorn, where I find that about fifty cases, more or less serious, have occurred, arising from the enjoyment of sausages manufactured from pork sent hither from Culmsee, a place about 20 kilometers distant, the meat being native production. It is not quite clear whether the same was examined in the usual manner before going into consumption, but this is under investigation at present by the official authorities, and about which I shall endeavor to obtain the result and information later on.

I remain, &c.,

PETER COLLAS,
United States Consular Agent.

[Inclosure 2 in No. 218.—Translation.]

Mr. Queschede to Mr. Guldzniski.

THORN, *November* 23, 1883.

In reply to your esteemed inquiry of yesterday, we respectfully inform you that, according to the researches made by us, about fifty cases of trichinosis have occurred. The disease has been caused by the consumption of sausage, which was made from inland pork. This pork is said to have been brought here from Culmsee, but the dealer in question denies this. The investigation already instituted by the authorities will develop the facts. There has as yet been no question made regarding *foreign* pork.

Respectfully,

GUSTAV QUESCHEDE,
Editor Thorner Ostdeutsche Zeitung.

CORRESPONDENCE WITH THE LEGATION OF GERMANY AT WASHINGTON.

No. 215.

Mr. Von Eisendecher to Mr. Frelinghuysen.

IMPERIAL GERMAN LEGATION,
Washington, May 2, 1883. (Received May 4.)

SIR: I have received from my Government copy of a note addressed by Mr. Sargent to Count Hatzfeldt, under the date of February 23, of this year, for the purpose of preventing the ultimate proclamation of the prohibited measures resolved upon by the confederate Governments, against the importation into Germany of American bacon, hams, and pork.

Under instructions from the chancellor of the Empire, I have the honor to communicate to you the following reply to the note in question:

The prohibition resorted to by Germany is a measure of internal German legislature, found necessary after careful investigation on sanitary grounds and closely connected with the internal institutions of the country.

Germany has always carefully avoided all interference in regard to measures which other Governments, and especially the Government of the United States, think just to adopt in the interest of their country.

This principle of non-interference has been preserved by Germany also in relation to the high and often prohibitive duties imposed upon German industries in the United States in consequence of their adopted financial system. Germany has never even ventured the slightest remarks in this respect tending to suggest an eventual friendly consideration of German interests in the framing of American internal laws and measures. In the prohibition referred to above, however, higher interests of the nation are at stake than tariff laws, that is the protection of the people against a danger to health. Now, as Germany by its strict and rigorously enforced legislation affords the same protection to its people at home against all danger from German cattle and hogs, it cannot possibly treat the foreign producers better than its own.

An investigation of the American methods of raising hogs and preparing hog products by a commission of German experts in the United States could not effect a material change in this respect.

Germany taking fully into account the very considerable importation of German cattle into England, would nevertheless not feel at liberty to request the British Government to inquire into the necessity of the restrictions imposed upon the importation of German cattle into England by a commission traveling over Germany. The measures adopted in England against the importation of German cattle are also based upon sanitary but much less important reasons than those existing in Germany in regard to American pork. Even the most favorable report rendered by such traveling members of a commission about the health of German cattle and the methods adopted in Germany for its preservation would not constitute a sufficient motive for the British legislature to recall their sanitary precautionary measures.

Austria-Hungary also, to whose cattle the German frontier has been closed upon sanitary grounds for a number of years, has not considered the suggestion of an inquiry by German officials within its possessions as a likely means to have that prohibition removed or made less rigorous.

These extensive and long-established prohibitive measures against Austria-Hungary, a country bound to Germany by the closest political and commercial ties, may at the same time be mentioned as a proof that, taking for granted an impartial and unbiased consideration of the question, such measures which due regard for the health of the people compels the Government to adopt need in no way interfere with our friendly relations existing with Austria, England, and America.

Expressing the hope, in the name of my Government, that the foregoing remarks may receive at your hands the appreciation warranted by the happy and friendly relations of both nations and their Governments,

I avail, &c.,

VON EISENDECHER.

No. 216.

Mr. Von Eisendecher to Mr. Frelinghuysen.

IMPERIAL GERMAN LEGATION,
Washington, July 27, 1883. (Received August 1.)

ESTEEMED MR. SECRETARY OF STATE: The United States minister at Berlin some time since communicated to the secretary of state for foreign affairs the instruction sent to him by his Government, under date of March 14, 1883, relative to the German prohibition of the importation of American hogs, &c.

In connection with this communication, for which the chancellor of the Empire feels grateful to your Government, the Imperial Government desires, referring to the previously received note of the United States minister, again to explain its own position in this question.

The aforesaid note of Mr. Sargent made an unpleasant impression in Berlin, both because of its interference in the domestic affairs of Germany, and of its tone, which was not in harmony with the friendly relations existing between the two Governments. The German Government is consequently much gratified to find that the Government of the United States does not adopt the position taken by its representative in his aforesaid note.

In issuing the prohibitive decree in question the object had in view was simply the adoption of a sanitary measure. The only design of Germany was to protect her own population from disease, and there is less reason to suppose that there was any intention to pursue a course calculated to influence the relations existing between Germany and America, inasmuch as similar prohibitions of the importation of American pork have long existed in other countries, viz, in France, Italy, Austria-Hungary, and Greece, which circumstance has occasioned no similar proceeding on the part of the American representative at Paris, Rome, Vienna, or Athens.

This difference of action causes the more surprise at Berlin, since in Germany only does this complaint made by America furnish ground to the political opponents of the Government on which to base their denunciations of its course.

The trade in hogs and their products is subjected to the most rigid control in the interior of Germany. Not only does the sale of pork containing trichinæ subject the seller to severe penalties, but even the manufacture (through negligence) of pork products that may endanger the health of the consumer.

There are, moreover, in the various districts of Germany police regulations providing that all pork shall be examined, and that all hogs before being slaughtered (even by private parties) shall be subjected to a microscopic examination. Butchers are, furthermore, obliged to slaughter their hogs in slaughter-houses which are under police inspection. The prohibition of the importation of these products of the American market was therefore indispensable to the observance of strict impartiality toward citizens of the German Empire and foreigners.

With regard to the proposition to allow the American slaughter-house arrangements, &c., to be examined by a commission of German experts, the Imperial Government gladly recognizes the good intentions thereby manifested; it is unable, however, to reach the conviction that such an examination would secure the desired result, since, although the Imperial Government does not doubt that precautionary measures are adopted in many such establishments in America, or that the products in ques-

tion are prepared with care and under proper inspection, it nevertheless thinks that it is impossible to secure and maintain uniformity among all such establishments in the United States, and a German commission will never be able to become convinced, even from the most complete arrangements of exporting houses, that the latter are able to furnish a constant guarantee of safety from trichinæ. The sending of such a commission would doubtless reveal the best intentions and the most perfect order in the establishments visited by it, but also the impossibility of preventing the exportation of trichinous pork even when every conceivable precaution is taken.

It may be remarked in conclusion that a petition remonstrating against the prohibition to import American pork was some time since received from the tradesmen of Königsberg, some of whom, and the very ones who had been most prominent in getting up the petition, have since been punished for selling trichinous American pork.

Accept, &c.,

VON EISENDECHER.

GREAT BRITAIN.

No. 217.

Mr. Frelinghuysen to Mr. Lowell.

No. 475.] DEPARTMENT OF STATE,
Washington, October 21, 1882.

SIR: I transmit herewith a copy of a letter addressed to me by Mr. W. W. Corcoran, a resident of this city, in which he acquaints me with his wish to provide for the disinterment of the remains of John Howard Payne, author of "Home, Sweet Home," and their removal to the United States for sepulture among his countrymen.

Mr. Corcoran's proposal has my approbation. In carrying it out, however, some difficulty is found in the want of a representative of the United States in Tunis.

I will therefore thank you to bring the matter to the attention of Earl Granville, by communicating to him a copy of Mr. Corcoran's letter, and asking that Her Majesty's consul at Tunis may be requested to apply to the proper authorities there for permission to exhume Mr. Payne's remains, and to make arrangements for their transportation to this country. This Department will take charge of the necessary reimbursement when informed of the amount.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 475.]

Mr. Corcoran to Mr. Frelinghuysen.

WASHINGTON, D. C., *October* 14, 1882.

DEAR SIR: I respectfully ask permission of the State Department to disinter the remains of our countryman, John Howard Payne, which now rest in a grave near Tunis, in Africa, that they may receive more appropriate sepulture in the bosom of his native land.

Mr. Payne died, as is well known, in the service of the State Department on the 9th of April, 1852, while acting as consul of the United States at Tunis, and I understand

that a marble slab, erected by order of the Department, still marks the spot where his body was laid.

It has seemed to me that the precious dust of an American citizen who sang so sweetly in praise of "Home, Sweet Home" should not be left to mingle with any soil less dear to him than that of the land which gave him birth, and which, by the beauty of its home life, gave to him his best poetical inspiration.

If you concur with me in this sentiment, I beg leave to say that I will, when favored with your official permission, charge myself with the duty of providing for the removal of his remains to this country, and, on their arrival here, will give to them a new and suitable resting place in Oak Hill Cemetery, taking care, of course, to mark the spot with a monument which shall perpetuate in the eyes of his countrymen the name of the poet already embalmed in their hearts by his immortal lyric.

I ought to add that I make this application to you because, as the honored head of the State Department, you seem to be the natural custodian of Mr. Payne's grave in Tunis. I am further induced to make this appeal to you because, after careful inquiry, I am led to believe that Mr. Payne has now no descendant or collateral kindred to whom I could address a communication on the subject.

I have, &c.,

W. W. CORCORAN.

No. 218.

Mr. Lowell to Mr. Frelinghuysen.

No. 446.] LEGATION OF THE UNITED STATES,
London, November 17, 1882. (Received December 1.)

SIR: Referring to your instruction No. 475, of the 21st of October last, regarding the proposal of Mr. W. W. Corcoran to transport the remains of John Howard Payne from Tunis to the United States, I have now the honor to inclose herewith copies of my note to Lord Granville with relation to this subject and of Mr. Lister's answer for Lord Granville. Mr. Lister's answer is to the effect that he has caused instructions to be issued to the British consul at Tunis in conformity with your request, and that upon learning the result of his application to the Tunisian authorities he will address me a further communication on the subject.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 446.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, November 3, 1882.

MY LORD: At Mr. Frelinghuysen's request, I have the honor to ask your lordship's attention to a letter to him from Mr. W. W. Corcoran, a copy of which I inclose. Mr. Corcoran, whose liberality and public spirit are well known in Washington, desires to provide for the disinterment of the remains of John Howard Payne, author of "Home, Sweet Home," at Tunis, and their removal to the United States for burial. He makes this application to Mr. Frelinghuysen, because Mr. Payne died while acting as the consul of the United States at Tunis, and there being now no descendant or collateral kindred of his who might be consulted on the subject, the Secretary of State seemed to be the proper custodian of his remains.

There is, however, no representative of the United States at Tunis, and on this account Mr. Frelinghuysen asks me to bring the matter to the attention of your lordship, and to suggest, if there should be no objection, that you will kindly request Her Majesty's consul there to apply to the proper authorities for permission to exhume Mr. Payne's remains, and to make arrangements for their transportation to the United States.

The Department of State will take charge of the necessary reimbursement when informed of the amount.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 446.]

Mr. Lister to Mr. Lowell.

FOREIGN OFFICE, *November* 16, 1882.

SIR: I have received your communication of the 3d instant stating that it is the wish of Mr. Corcoran, a United States citizen, that the body of the American poet, J. H. Payne, now interred at Tunis, should be exhumed and removed to the United States for reinterment, and I have the honor to state to you in reply that I have caused instructions to be addressed to Her Majesty's consul-general at Tunis in the sense indicated in your communication now under reply.

Upon learning the result of Mr. Reade's application to the Tunisian authorities, I shall address a further communication to you on the subject.

I have, &c.,

T. V. LISTER,
For Earl Granville.

No. 219.

Mr. Lowell to Mr. Frelinghuysen.

No. 471.] LEGATION OF THE UNITED STATES,
London, January 2, 1883. (Received January 15.)

SIR: I have the honor to acknowledge the reception of your No. 506, of the 8th ultimo, in relation to the removal to the United States of the remains of John Howard Payne, and to say that immediately after its arrival I addressed Lord Granville, communicating the additional requests of the Department of State. I have to-day received a reply from the foreign office by which it will appear that your wishes in the matter will be attended to. I inclose a copy of this correspondence.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 471.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, December 23, 1882.

MY LORD: I have to apologize for not replying sooner to the note which Mr. Lister was kind enough to address me on your lordship's behalf on the 16th ultimo, informing me that instructions had been sent to Her Majesty's consul-general at Tunis, to promote the wishes of Mr. Corcoran, communicated through the Department of State, in relation to the removal of the remains of the late John Howard Payne to the United States.

Your lordship was so good as to say that upon learning the result of Mr. Reade's application to the Tunisian authorities you would write me again upon the subject.

I have now to say that the gentlemen who have assumed the charge of this matter desire, if possible, that the body when exhumed should be sent by water from Tunis to Marseilles, when the United States consul, acting under instructions of the Department, will receive it and forward it to the United States.

Mr. Frelinghuysen requests me to ask your lordship, if, in furtherance of the purpose you have so promptly aided, you will be so kind as to instruct Her Majesty's consul-general at Tunis, to endeavor to have Mr. Payne's remains shipped from Tunis to Marseilles, consigned to Mr. Horace A. Taylor, consul of the United States at that port. I beg to repeat that all expenses incurred will be borne by the Department of State in behalf of Mr. W. W. Corcoran, and I am directed to say to your lordship that any drafts and accounts for expenses of disinterment, casing and shipping which the British consul at Tunis may send to Washington, either directly or through Her Majesty's foreign office, will be met at once. If that officer desires to draw at once for reimbursement, his draft should be upon "the Secretary of State of the United States at five days' sight."

I am also directed to renew the thanks of my Government to your lordship for the courtesy which you have already shown in this matter.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 471.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *December* 30, 1882.

SIR: I have had the honor to receive your note of the 23d instant, relating to the exhumation and transmission to Marseilles of the body of the late Mr. John Howard Payne, and I beg leave to inform you that I have this day telegraphed the purport of your communication to Her Majesty's consul-general at Tunis, with instructions to comply with the wishes of your Government in this matter.

I have, &c.,

GRANVILLE.

No. 220.

Mr. Lowell to Mr. Frelinghuysen.

No. 479.] LEGATION OF THE UNITED STATES,
London, January 12, 1883. (Received January 27.)

SIR: Referring to my No. 471 of the 2d instant in relation to the removal of the remains of the late John Howard Payne to the United States, I have the honor to acquaint you that late in the evening of that day I received the following telegram from Mr. Davis, Assistant Secretary:

Have you received news from Tunis relative to Payne's remains?

I answered this by cable the next day, as follows:

No direct news from Tunis. Lord Granville informed me yesterday he had telegraphed December 30 to consul-general instructions to comply with wishes transmitted in your 506. See my 471.

I sent you a copy of Lord Granville's letter in my No. 471.

On the 4th instant I received a further note from Lord Granville dated on the 1st, stating that the consul-general at Tunis had telegraphed on the 31st December that the remains would be shipped to Marseilles on the 4th of January.

I immediately telegraphed this information to you as follows:

Lord Granville informs me consul-general Tunis has telegraphed remains will be shipped 4th January, consigned to United States consul, Marseilles.

I have received this morning another letter from his lordship with inclosures giving an account of the exhumation of the remains and their shipment on board of the Charles Quint to the care of Mr. Taylor, the consul at Marseilles.

I inclose copies of such of this correspondence as has not already been transmitted.

I have written to Lord Granville an expression of my thanks for his courtesy and that of the British officials at Tunis in this matter.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 479.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *January* 1, 1883.

SIR: With reference to my communication of the 30th ultimo, I have the honor to inform you that a telegram was yesterday received from Her Majesty's consul-general at Tunis, stating that the late Mr. John Howard Payne's remains will be shipped for Marseilles on Thursday the 4th instant, consigned to the care of the United States consul at that port.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 479.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *January* 11, 1883.

SIR: With reference to my communication of the 1st instant, I have now the honor to transmit to you, for the information of the United States Government, a copy of a dispatch and its inclosures received from Her Majesty's consul-general at Tunis, giving further particulars relating to the exhumation and shipment of the remains of the late John Howard Payne.

I have, &c.,

PHILIP W. CURRIE,
For Granville.

[Inclosure 3 in No. 479.]

Mr. Reade to Lord Granville.

TUNIS, *January* 6, 1883.

MY LORD: I have the honor to report that, pursuant to the instructions expressed in your lordship's telegram of the 30th ultimo, the remains of John Howard Payne were this day shipped on board the French steam vessel Charles Quint to the consignment of Mr. Taylor, the United States consul at Marseilles.

Owing to the impossibility of complying with some of the formalities which, under ordinary circumstances, would have been strictly enforced, in connection with the exhumation of the body, and to my communication with the United States consulate at Malta, in the hope that some ship of war of that nation might be charged with its conveyance across the Atlantic, some delay occurred in the execution of the instructions with which I was in the first instance honored by your lordship.

As stated in my telegram of the 30th ultimo, I had arranged to ship the remains two days ago, but, in order to allow of the arrival of the United States consul at Malta, who had expressed a wish to be present at their disinterment, the shipment did not take place until this morning.

I beg, in conclusion, to inclose a copy of the act executed on the occasion of the exhumation of those remains, and of my dispatch to the United States consul at Marseilles, announcing their shipment to his address.

I have, &c.,

THOS. F. READE.

[Inclosure 4 in No. 479.]

Mr. Reade to Mr. Taylor.

TUNIS, *January* 6, 1883.

SIR: I have the honor to inform you that, conformably with the instructions of Her Majesty's principal secretary of state for foreign affairs, I this day shipped on board the French steam vessel Charles Quint, and to your consignment at Marseilles, a case covering three coffins, two being of wood and one of lead, the innermost of which contains the remains of John Howard Payne, the distinguished poet and dramatist of your nation, who died in this city on the 1st of April, 1852, while serving his country in the capacity of consul.

The exhumation of those remains took place yesterday, with all the required formalities; Mr. Worthington, the United States consul at Malta, being among those who were present on the occasion.

Two keys of the outer coffin are inclosed, which I beg you will have the goodness to forward to that coffin's destination in the States.

I have, &c.,

THOS. F. READE.

[Inclosure 5 in No. 479.]

In pursuance of instructions which, at the request of the Government of the United States of America, have been communicated to the English representative in this country by Her Majesty's principal secretary of state for foreign affairs, the exhumation, prior to the removal to the United States, of the remains of John Howard Payne, the distinguished citizen and poet, who died at Tunis on the 1st of April, 1852, while serving his country as consul, took place this day, in the presence of Thomas Fellowes Reade, esq., Her Britannic Majesty's agent and consul-general, and the following officers and gentlemen: Dr. F. Apia, Her Majesty's consul and judge; John

Worthington, esq., United States consul at Malta; Mr. M. Pisani, British proconsul; Dr. G. E. Pratz, M. D.; Dr. Achille, Perini, M. D.; Commander W. M. Bridger, R. N.; Mr. G. Carbonaro, and Mr. Alf. M. Camilleri, LL. D.; and with all the formalities required by law.

In testimony of which the undersigned have hereto subscribed their names, in the Protestant cemetery of St. George, at Tunis, this 5th day of January, 1883.

THOS. F. READE,
Her Majesty's Agent and Consul-General.
F. APIA,
Her Majesty's Consul and Judge.
JOHN WORTHINGTON,
United States Consul at Malta.
M. PISANI,
British Proconsul.
DR. G. E. PRATZ,
Médecin de S. A. le Bey de Tunis.
DR. ACHILLE PERINI,
Médecin de Police de S. A. le Bey, et Médecin honoraire de Consulat Générale d'Angleterre.
W. M. BRIDGER, R. N.
G. CARBONARO.
ALF. M. CAMILLERI.

[Inclosure 6 in No. 479.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, January 12, 1883.

MY LORD: I have the honor to acknowledge the reception of Mr. Currie's note on behalf of your lordship of the 11th instant, with its inclosures, stating the fact of the exhumation of the remains of the late John Howard Payne at Tunis, and their shipment to the care of the United States consul at Marseilles, agreeably to the request of my Government, and I beg to express my most sincere thanks for your lordship's courtesy in this matter, and for the promptness, delicacy, and efficiency with which Her Majesty's consul-general at Tunis and other British officials have conducted this transaction.

I have, &c.,

J. R. LOWELL.

No. 221.

Mr. Frelinghuysen to Mr. Lowell.

No. 536.] DEPARTMENT OF STATE,
Washington, February 9, 1883.

SIR: Acknowledging the receipt of your No. 479 of the 12th ultimo, inclosing a copy of further correspondence concerning the removal of the remains of John Howard Payne from Tunis to this capital, I have to request you, in thanking Lord Granville for his action in reference to the matter, at the same time to ask him to convey to Mr. Reade, Her Britannic Majesty's consul at Tunis, an expression of the high appreciation this Department has of the energetic and efficient measures adopted by the latter for carrying out the wishes of this Government in the premises.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 222.

Mr. Lowell to Mr. Frelinghuysen.

[Extract.]

No. 498.] LEGATION OF THE UNITED STATES,
London, February 16, 1883. (Received March 1.)

SIR: I have the honor to inclose two copies of Her Majesty's speech delivered yesterday by commission to the two houses of Parliament at the opening of the new session. * * *

You will observe that the introduction of several important measures of domestic legislation is promised. Not the least important among these are the proposed "reforms in the local government of the different parts of the United Kingdom." This, taken in connection with what is said in another paragraph about "legislative wants of Ireland for which provision has not yet been made," indicates that the Government will not abandon the line of policy it has hitherto followed, and that, while the punishment of crime will be a preliminary condition, every legitimate means will be tried for removing any plausible motive or excuse for the commission of it. That the measures adopted will satisfy the extreme Irish party is out of the question, but that they may at least serve to convince reasonable men, both in Ireland and out of it, that there is an honest desire to repair, in so far as may be still practical, the evil effects of unwise legislation in the past, is perhaps not impossible.

You will observe with satisfaction that the speech alludes to an "improvement in the social condition of Ireland," but this must be understood to mean that agrarian outrages have been diminished by the operation of the crimes act, and not that the political attitude of a great majority of the Irish people towards England has lost anything of its hostility or shows any hopeful symptoms of becoming less irreconcilable.

* * * * * * *

The ministry enters upon the new parliamentary year certainly with undiminished, perhaps with increased strength, and any difference of opinion that may exist among their supporters is more than balanced by divisions in the ranks of the opponents.

I have, &c.,

J. R. LOWELL.

No. 223.

Mr. Frelinghuysen to Mr. Lowell.

No. 564.] DEPARTMENT OF STATE,
Washington, April 5, 1883.

SIR: I inclose herewith a copy of a joint resolution providing for the termination of certain articles of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington May 8, 1871, which articles under the protocol signed June 7, 1873, took effect on the 1st day of July, 1873, and, by the terms of the original treaty, are subject to termination by either party on two years' notice given at the expiration of ten years from July 1, 1873. This resolution, which was approved March 3, 1883, directs the President to give notice

to the Government of Her Britannic Majesty that the provisions of each and every of the articles No. 18 to No. 25, inclusive, and of Article XXX of the treaty of May 8, 1871, will terminate and be of no force on the expiration of two years next after the time of giving such notice, which the President is further directed to give on the 1st day of July, 1883, or as soon thereafter as may be. You are therefore instructed to comply with the directions of Congress in this matter, as set forth in the resolution, by giving the notice required. As the 1st day of July falls on Sunday, you will give the notice on the next succeeding day, informing the minister of foreign affairs on the receipt of this instruction of its purport and of your contemplated action.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 224.

Mr. Lowell to Mr. Frelinghuysen.

No. 531.] LEGATION OF THE UNITED STATES,
London, April 16, 1883. (Received April 30.)

SIR: On the 7th instant I received a letter from the prison at Cork, in Ireland, signed T. Featherstone, and dated on the 6th, stating that he was arrested in that place on the 29th of March, upon the charge of conspiring to murder Government officials, and that he was "a *bona fide* citizen of the United States." He does not deny, except by implication, that he is connected with the dynamite plots which are now attracting public attention, but he claims my protection.

I immediately requested Mr. Piatt, the consul at Cork, to inquire into the circumstances of this case, and report the result to me.

On the 11th instant I received Mr. Piatt's reply, by which it appears that Featherstone's real name is Edmund O'B. Kennedy, and that he had no certificate of citizenship in his possession, though he alleges that he had left it in the hands of a brother-in-law, Dennis Sullivan, 150 Franklin street, New Haven. He said in explanation of his having ordered a quantity of sulphuric acid, that it was intended to be used for experimenting in the manufacture of printing ink.

On the 11th of April I wrote to Mr. Piatt, that, in the absence of documentary evidence of Kennedy's citizenship, and his insufficient explanation of certain suspicious circumstances in his case, I did not think it my duty to intervene, except under instructions from the Department of State.

On the 7th of April I received a letter from one Thomas Gallagher, stating that he was an American citizen, and had been arrested on the 5th instant, upon a charge of having explosives in his possession, which charge, he said, he could prove to be false. I answered this letter on the same day, stating that upon being satisfied of his American citizenship I should give proper attention to his case. A few days afterwards Mr. Williamson, of the police, called at the legation and brought me a certificate from the Brooklyn county court that Thomas Gallagher had been admitted a citizen on the 14th of October, 1875.

I immediately made inquiries as to the charges against Gallagher, and satisfied myself that there was sufficient evidence against him to justify his arrest.

It appears also that he had a considerable sum of money in his possession; that he has engaged counsel, and, if he is innocent, he will have every facility to establish this fact to the satisfaction of the authorities.

I have not thought it to be my duty to intervene further in this matter. I have the honor to inclose herewith the material parts of the correspondence in the two cases above mentioned.

I am sorry to say that the arrests of Americans for criminal offenses in this country are not infrequent. It does not seem to be proper that I should interfere on such occasions unless the proceedings are flagrantly unjust and without adequate cause, or the prisoners are subjected to unfair treatment on account of their American nationality. There does not appear to be any more reason why I should address the foreign office in respect to Kennedy or Gallagher than in the cases of other Americans charged with the commission of crimes in this country.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 531.]

T. Featherstone to Mr. Lowell.

HER MAJESTY'S CORK MALE PRISON,
April 6, 1883.

SIR: I wish to lay before you the subjoined summary of facts:

On the 29th ultimo, in this city, I was arrested by a police officer in charge of a posse, and who, without any proof or warrant of authority, seized and examined my person and luggage, and at the same time directly charged me with conspiring to murder Government officials. On the following day I was brought before a magistrate, and without any testimony being adduced, I was formally remanded for eight days. On yesterday, the 6th instant, I was brought up, this time in the prison examination room, and again without any evidence given was remanded for eight days more.

Now, then, I wish to impress upon you the fact that I am a *bona fide* citizen of the United States and belong to the State of Illinois, and am a constituent of the fifth Congressional district, General Grant's own district. I belong to Stephenson County, distant about 20 miles from Galena, the general's home, and have been a school teacher in that part, as well as recently being connected with the press of Northern Illinois and Saint Louis. I have been traveling in the country and England during the past seven months, and have avoided, as much as possible, mingling with the political parties here, and never received any attention from the Government officials until this time. The suddenness with which this *coup* has been executed has completely disturbed my calculations. Moreover, as I was preparing to leave for the United States when seized upon and cast into durance vile, indeed I might add I had intended leaving in February, but the tempestuous predictions of the New York Herald deterred me, and, besides, I was speculating on preparing something for the exhibition.

I need not tell you how easy it is now to trump up a charge, thereby imperiling the liberties of men in this country. In this fever of excitement innocent lives are sacrificed, and in order to secure fair play I appeal to you, our representative at this side, to extend to me the protection of my Government. It has been said, but I doubt it, that you have been apathetic in protecting Americans in their rights, and that any such doubts should disappear I hope there will be no reason to impute in my case. Would it be too much to ask you to come and see me, or send one of your subordinates, that I may lay a plain and complete statement of the case before him?

Hoping soon to hear favorably from you,

I remain, &c.,

T. FEATHERSTONE.

[Inclosure 2 in No. 531.]

Mr. Piatt to Mr. Lowell.

CONSULATE OF THE UNITED STATES,
Cork (Queenstown), April 7, 1883.

SIR: Referring to my note of the 6th instant, I have now to report that T. Featherstone, as he is known here to the police and public, was arrested at Cork with two others on the evening of March 29, charged with complicity in an alleged conspiracy

to murder certain persons, and to destroy Government buildings with dynamite or other explosives. These arrests followed immediately after, and were presumed to be the result of the arrest at Liverpool, the day previous, of one Dennis Deasy, on his arrival by steamer from Cork with two so-called infernal machines. On Friday, March 30, Featherstone, with the other prisoner, was put forward at the police office, and at the request of the subinspector in charge of the case—who wished to gain time to make other arrests and secure further evidence—was remanded for eight days, bail having been refused. Yesterday, at a private hearing at the county jail, a similar request was made by the subinspector, and another remand of eight days was granted. No evidence was produced on either occasion. These facts, which I had already learned from the local journals—extracts from which I inclose—were repeated to me to-day by resident magistrate A. M. Mitchell, to whom, after consulting the mayor of Cork, I applied for authentic information as to the charge against Featherstone and the nature of the evidence to support it. He said that he did not himself certainly know what evidence there might be, it having been withheld for apparently good reasons under the circumstances; but that it was considered very strong and amply sufficient for the detention of Featherstone and the other prisoners; adding, however, that there was no disposition to postpone public examination any longer than should be necessary.

In my note of yesterday I suggested a doubt as to the true name of the person arrested as T. Featherstone. The signature of a letter then just received from him, a copy of which is inclosed, and in which he demands protection as a citizen of the United States, will explain and justify my doubt. I called on the prisoner this afternoon at the Cork Male Prison, and had a private interview with him. He told me he was a native of Ireland, born in Cork twenty-eight or thirty years ago, his mother still living at Mitchellstown, but had gone to the United States about nine years ago, and he had resided for nearly seven years at Freeport, Ill., where he took out naturalization papers. These papers, however, he told me, were left at the house of a brother-in-law, Dennis Sullivan, 150 Franklin street, New Haven, and the only additional proof of his citizenship was in the clerk's office of the circuit court at Freeport.

I spoke of his letter to me, and inquired if the signature gave his real name. He answered without hesitation that it did not; and then informed me that his name was Edmund O'B. Kennedy. He said he had been accustomed to write for newspapers, using the signature "T. Featherstone," and admitted that it was the name under which he had been traveling in Great Britain. The pseudonym, however, was not used by him, he said, from any motive of secrecy

I asked him how long it had been since he left the United States. He answered that he had been about eight months in Great Britain, at Liverpool, Glasgow, Belfast, Dublin and Cork. I inquired as to his business here. He told me that he came partly as a correspondent, mentioning two papers, the Freeport Bulletin and the Missouri Banner, to which he contributed letters. He asserted that he had not been associated with the Land League and other organizations, but said that he had written freely what he thought about political and other matters. This he seemed to think the right of an American citizen anywhere. I told him I had seen it stated, as a report, that he was supposed to be some kind of an agent for Mr. O'Donovan Rossa. This he said was not true—"I don't know the fellow at all." But, incidentally, he mentioned that one of his associates and friends, Mr. McDermott (whom he had known only while here in Cork), was a correspondent of Rossa's paper. He further explained his sojourn in Ireland—perhaps he meant Great Britain—by saying that he been engaged in teaching both in Illinois and Missouri, and had wished to study the method of public instruction in this country, with the object, as I inferred, of assisting to improve that at home.

The prisoner professed himself at a loss to know why he should have been arrested, but understood his arrest was in consequence of that mentioned above, at Liverpool, of Dennis Deasy, whom he said he did not know. He told me, however, that there were two papers found on his person—and these seemed to give him uneasiness, I thought—one of which came into his hands accidentally, having been picked up by him at the Imperial Hotel at Cork, and, unfortunately, preserved. He said he did not know its contents, but gave me the impression it had some chemical reference. The other paper was, he said, an order on one of the manufacturing chemists at Glasgow for a quantity of sulphuric acid. I must understand, he told me, that there was no printing ink manufactured at Cork; in consequence, he, with another of the men arrested, had concluded it might be a profitable enterprise to undertake its manufacture there, and the sulphuric acid was intended for experiments in that direction. He had been on the point of going back to the United States for the purpose of learning the method of cheaply manufacturing printing ink, after which he had expected to return to Cork and apply the knowledge. The manufacture of ordinary ink, disinfectants and artificial manure was to be combined with that of the article first named.

I noted down in his presence what the prisoner said. I believe I have not misin-

terpreted his private statements, which he understood I meant to report to you. Although he can show no proof of his citizenship, I do not think there need be any doubt of his assertions in that respect. But until proof is manifest, could the fact be taken for granted? Mr. McDermott knows regarding this matter only what Featherstone (that is Kennedy) has told him. Even if proof of citizenship were furnished I do not see that there would be necessity for any present action.

I am, &c.,

JOHN J. PIATT,
United States Consul.

[Inclosure 3 in No. 531.]

Mr. Lowell to Mr. Piatt.

APRIL 11, 1883.

SIR: I have to acknowledge the reception of your letter of the 7th, containing a full and satisfactory report upon the case of Edmund O' B. Kennedy, *alias* Featherstone.

I fully approve of your action in this matter.

In the absence of documentary evidence of his citizenship, and his insufficient explanation of certain suspicious circumstances, I do not think it my duty to intervene except under instructions from the Department of State.

I am, &c.,

J. R. LOWELL.

[Inclosure 4 in No. 531.]

Thomas Gallagher to Mr. Lowell.

BOW STREET POLICE STATION,
April 6, 1883—10.30 a. m.

SIR: As an American citizen, traveling on legitimate business, peaceably, molesting no person and breaking no law, I ask your aid in my present difficulty.

I arrived in London on the 28th of March, 1883, and since my arrival I can explain to any unprejudiced mind. But to my great surprise yesterday I was arrested, and charged with having in my possession explosives, which charge I can prove to be false. I have been locked in a dark, unhealthy cell, measuring about 10 feet long by 4 wide. That is all the room I have for walking. This is certainly sickening, considering the amount of vermin there is to be seen at night. I shall be very glad to have an interview from you or your representative.

My citizen papers are in my valise at the hotel, unless the authorities have taken them away. I could not even get a pen and ink to write this communication to you.

I am, &c.,

THOS. GALLAGHER, M. D.,
420 *Manhattan Avenue, Brooklyn, N. Y.*

[Inclosure 5 in No. 531.]

Mr. Lowell to Thomas Gallagher.

APRIL 7, 1883.

SIR: I have received your letter of the 6th, written in the Bow street police station, and desire to say, in reply, that upon being satisfied of your American citizenship, I shall give proper attention to your case.

I am, &c.,

J. R. LOWELL.

[Inclosure 6 in No. 531.]

Thomas Gallagher to Mr. Lowell.

MILL BANK PRISON, *April* 8.

SIR: Your letter of 7th I have received. I can only say, in reply, that my certificate of citizenship is in the hands of the authorities. I have applied to the governor to have them forwarded to you.

Very respectfully,

THOS. GALLAGHER, M. D.

No. 225.

Mr. Frelinghuysen to Mr. Lowell.

No. 586.] DEPARTMENT OF STATE,
Washington, May 5, 1883.

SIR: I inclose herewith a copy of an instruction from Lord Granville to Her Britannic Majesty's minister in Washington, dated December 30, 1882, a copy of which was handed to me by Mr. West [see correspondence with the British legation in Washington, *post*], and which is a reply to the argument contained in my No. 368 to you of May 8, 1882, on the subject of the Clayton-Bulwer treaty.*

You will remember that my No. 368 showed that the first seven articles of the treaty related to a particular canal then in contemplation, to aid the construction of which the treaty was signed; that the United States, being then without the means to build the canal, for which they had secured an exclusive grant from Nicaragua, naturally turned to England for capital, to secure which they were willing to surrender some of their exclusive privileges, and that the canal never having been built, the reason for the surrender of privilege has ceased and the treaty with Great Britain is voidable, being without consideration or any object to which it is applicable.

Lord Granville, in his instruction to Mr. West, in substance concedes that the first seven articles of the treaty related to what was then known as the Nicaragua Canal, but intimates an uncertainty as to the route. In this he is in error, for the line of the canal was definitely fixed soon after the conclusion of the treaty, and accepted by both Governments.

His lordship, however, practically confines himself to an assertion of rights under Article VIII by which the parties—

> after declaring that they not only desired, in entering into the convention, to accomplish a particular object, but also to establish a general principle, agreed to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable whether by canal or railway, which are *now* proposed to be established by the way of Tehuantepec or Panama.

And he claims that this provision is in effect an agreement that all the prior provisions with reference to the particular ship-canal—the Nicaraguan route—then in contemplation should be applied to any other canal thereafter constructed. Citing treaties between the United States and some of the Central American states, he contends that this Government having, since the Clayton-Bulwer treaty of 1850, entered into treaties which harmonize with the "general principle," is estopped from denying that the eighth article has the construction and effect he contends for.

Lord Granville further holds that Article VIII is none the less an agreement because it provides for further treaty stipulations to carry it into effect.

This argument has already been anticipated in my No. 368, in which it was shown that while the parties interested agreed in Article VIII to extend, by future treaty stipulations, their protection over other communications across the Isthmus, the immediate object of the article was the protection of the communications "*now*" (1850) proposed to be established by the way of Tehuantepec or Panama. None of the proposed

* Published in Foreign Relations for 1882.

communications having been established, the reason for the agreement has disappeared.

Further, the article provides for carrying out the "general principle" by additional stipulations which have not been even discussed.

Nor is there anything in the eighth article which makes applicable to any other route the provisions of the first seven articles covering the "particular object," viz, the Nicaraguan Canal.

The eighth article, therefore, is simply a declaration of the intention entertained more than thirty years ago by two nations to take up at some subsequent period the negotiation of a treaty on a particular subject. In order to carry out this purpose, treaties must be made by the United States and England with each other and with each of the Central American states through which a canal may be built, defining in detail the stipulations necessary to execute the general principle.

It cannot be successfully contended, as is suggested by Lord Granville, that the separate treaties made by this country with some of the Central American states, by which this Government agrees to guarantee neutrality, show an agreement to guarantee it jointly with Great Britain, for that would involve the admission that an express agreement to guarantee singly is in effect an implied agreement to guarantee jointly. Nevertheless, it is not denied that the United States did for many years try to induce Great Britain to fulfill her part of the agreement of 1850, and it was only when it became impossible for Her Majesty's Government to perform the promises which had led the United States to make the treaty that the position now maintained was assumed.

If it be contended that even if the treaty may be considered as lapsed, so far as it related to the specific route by Nicaragua and the routes named in the eighth article, as contemplated in 1850 (by Panama and Tehauntepec), yet the treaty is binding so far as it relates to other Isthmian communications not specified and not then contemplated, the answer is that the treaty must be considered as a whole, and that the general stipulations of the eighth article would never have been made but for the stipulations as to the specified routes then contemplated, and that part of the treaty having lapsed, the general stipulation as to any interoceanic communication fails for want of consideration.

To reach the construction his lordship seeks to put on the eighth article, its plain language must be disregarded and the consideration must be ignored that the article is as applicable to the Panama Railroad as to any other means of Isthmian transit, and that by acquiescence for many years in the sole protectorate of the United States over this railway, Great Britain has in effect admitted the justice of the position now maintained by the President.

Passing the interpretation of Article VIII you will remember that I contended that the Clayton-Bulwer treaty is voidable, because, while by Article I the two nations expressly stipulated that neither of them would occupy, colonize, or exercise any dominion over any part of Central America, Great Britain at this time has a colony, with executive and judicial officers, occupying a defined territory nearly equal in area to three of the smaller States of the Union.

It is true, as was shown in my No. 368, that, after the treaty had been ratified by the Senate in the form in which it now appears, and on the 4th of July, 1850, Mr. Clayton did exchange with Sir Henry Bulwer memoranda stating that the stipulation in Article I should not apply to the "settlements" in British Honduras (Belize), and it is also true that Mr. Clayton declined to affirm or deny the British title in this "settlement" or its alleged dependencies. Lord Granville now claims that Hon-

duras was then already (and to the knowledge of this Government) a British "possession" or colony, by conquest from Spain, through successful resistance by settlers to a Spanish attack. The stipulations of the treaty, as well as the memoranda exchanged by Mr. Clayton and Sir Henry Bulwer, relative to a British "settlement," appear to be inconsistent with any such claim, for nowhere in them can be found any statement which expresses or implies that Great Britain claimed or the United States admitted any such governmental control in the former over Belize as is now advanced and as is necessarily implied in the word "possessions."

The date of the conquest of Belize, alluded to by Lord Granville, is not stated, but the incident to which he refers is supposed to be the repulse, by a ship of the Royal Navy and the settlers, of an attempt, in 1798, on the part of Spain to take possession of Honduras. As the British settlers held under grants from Spain, it seems hardly necessary to consider whether the successful resistance of a tenant to an attempt to oust by force changes the tenure to one of full possession.

His lordship, however, meets this point by a plea of possession through abandonment, saying:

> When peace was signed, most of the British conquests from Spain were restored to her; but the settlement in Honduras, like that of the Falkland Islands, was not given up, and continued on the same footing as any other possession under the British Crown.

By the third article of the treaty of Amiens of 1802, Great Britain engaged to restore all Spanish possessions occupied or conquered by British forces. Belize was not given up because it was not a conquest, but a settlement under Spanish grants and Spanish sovereignty. The parallel with the Falkland Islands does not seem convincing, for these islands were ceded by France to Spain in 1763. By Spain they were in turn ceded absolutely to Great Britain in 1771, but their possession was abandoned, until, in 1820, Buenos Ayres occupied the islands as derelict, and colonized them. Later, in 1831, after a difficulty between the settlers and American sealing vessels, the United States ship of war Lexington broke up the settlement and removed the settlers to Buenos Ayres, and it was not until 1833 that Great Britain enforced her claim under the cession of 1771.

As to Belize, however, there was no cession. If the sovereignty of Spain was annulled by conquest in 1798, it was restored by the treaty of Amiens in 1802; and while after this treaty, and during the Bonaparte occupation, hostilities were renewed, the treaty of 1809 provided that there should be peace between Spain and Great Britain, and "also an entire obliteration of all hostilities committed during the late war." Since the conclusion of this treaty Spain and Great Britain have been at peace, and it is not imagined that Earl Granville will seek to show that a lawful possession could be thereafter created for Great Britain by a violation of that treaty in time of peace. No conquest of any part of Honduras is known to have occurred after 1802; but if there were, the perpetuation of this conquest would hardly comport with the reciprocal engagement of 1809 to restore the *status quo ante bellum*.

On the other hand, it is known that the settlements in the Belize were made under certain limited grants from Spain, subject to her sovereignty, and that long after the treaty of 1809 the occupation was generally regarded simply as a "settlement," and was so called by Lord Clarendon as late as 1854 in a note to Mr. Buchanan, and so remained until May 12, 1862, when, by royal commission, it was erected into a full colony, and subordinated to the government of Jamaica.

If Great Britain has turned the "settlement" maintained for the cutting of logwood and mahogany into an organized British colony—and this is admitted—or if that settlement has encroached beyond the line occupied by the settlers in 1850—and the reports from Guatemala and Mexico tend to show that this has been done—the action has been done, the action has been taken, in contravention of the Clayton-Bulwer treaty, and in violation of one of its most important provisions. The insufficiency of this part of Lord Granville's argument is shown by the contention that through a postal convention this Government has recognized the British position. The negotiation of a postal convention in 1869 cannot be held to involve any admission of the political status of the Belize district.

It is a strained construction of such an agreement to hold that it works an estoppel, as to a matter not in the mind of either party to the negotiation, and as to which both parties were endeavoring to reach a satisfactory conclusion through other and different channels; nor does the Post-Office Department act politically in its dealings with similar departments of other Governments.

If, however, the United States had submitted to the conversion of the Belize to a colony by Her Majesty's Government, in violation of the treaty, that is by no means a recognition of the binding force of the treaty on the United States when thus violated.

In the conviction, therefore, that the arguments heretofore presented by the United States remain unshaken, the President adheres to the views set forth in the instruction to you of May 8, 1882.

Lord Granville concludes by saying in effect that he does not answer that part of the instruction to you which relates to the Monroe doctrine because of my observation that it is not necessary for Her Majesty's Government to admit or deny that doctrine. As his lordship placed the claim of Her Majesty's Government on the continued binding force of the Clayton-Bulwer treaty, limiting that doctrine, as we contend, I think my remark was logical, and, so far as the United States are concerned, their views on that doctrine are sufficiently manifest.

You will assure Lord Granville that this Government shares the sincere desire of that of Her Majesty to arrive at that amicable adjustment of the question which cannot fail to promote harmony and goodwill between the two countries, and which it is my duty and pleasure equally with his lordship to do all in my power to perpetuate and increase.

You will take an early occasion to read this instruction to Lord Granville, and, if he should so desire, to leave a copy with him.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 226.

Mr. Lowell to Mr. Frelinghuysen.

No. 552.] LEGATION OF THE UNITED STATES,
London, May 19, 1883. (Received May 31.)

SIR: I have the honor to report that the International Fisheries Exhibition promises to be far more successful than even the most sanguine of its projectors had ventured to hope. The wisdom of Congress in

making so liberal an appropriation in furtherance of its object is entirely justified, both by the substantial encouragement given to the enterprise at its inception, by this proof of interest on the part of the United States, and by the fact that the section devoted to our country is more valuable than that of any other, and valuable for reasons of which we may very properly be proud.

I have the highest authority for saying that, quite apart from any consideration of intrinsic interest or curiosity, our share in the exhibition is superior to all others in virtue of the scientific intelligence shown in its arrangement and classification, thus rendering it more instructive than any other. This is especially gratifying because it is a triumph of a far higher kind than could be won by any ingenuity in our contrivances for the breeding or mechanical perfection in our implements for the taking of fish, though in these also we may safely challenge and in some cases defy comparison.

The credit of this unquestioned success is due undoubtedly in the first place to Professor Baird, whose absence is universally regretted, but hardly less to the intelligence, zeal, and untiring energy of Professor Goode and his assistants, who literally worked day and night in order to be ready for the day fixed for the opening of the exhibition.

I shall naturally have occasion to write again and more fully on this topic, when more perfectly informed, but could not deny myself the pleasure of reporting to you the impression already made in this international competition by the genius for organization of which our countrymen have here given proof, a faculty certainly not the lowest among those that distinguish the social and civilized man.

I have, &c.,

J. R. LOWELL.

No. 227.

Mr. Davis to Mr. Lowell.

No. 596.] DEPARTMENT OF STATE,
Washington, May 25, 1883.

SIR: I have to call your attention to the reported action of the Government of Her Majesty in assisting emigration of inhabitants of Ireland to the United States.

I inclose herewith for your information a copy of a dispatch from Mr. Fish, our minister at Brussels, transmitting the following extract from the Moniteur Belge, of the 6th of April last:

[Translation.]

On Friday last the first Irish emigrants, whose journey was paid by the public treasury, and which is being conducted under the management of the British Government, sailed from Ireland.

A number of families, composing 360 persons, left the little town of Bemulet, situated in the most distressed district of Ireland, and embarked for Boston, thence to go into the various states of the United States.

It seems doubtful whether the arrival of this sort of cargo will cause much pleasure to the Americans, for it is stated that among 47,149 persons arrested and convicted in New York in 1882, there was more than 50 per cent. foreign born, and that more than one-third of the delinquents were Irish.

Mr. Fish also forwarded a copy of the same paper to the collector of the port of Boston, who, as well as the governor of Massachusetts,

wrote to the Secretary of the Treasury on the subject. A copy of each of the letters (which have been referred to this Department) is inclosed. I also inclose a copy of a report of our consul-general in London, giving the results of inquiries made under his direction, together with its annexes.

It may not be advisable at present, and in the absence of fuller and more specific information than is now possessed by this Government, to make such formal representations on the subject as might imply a complaint based on a conviction that the action of the British authorities amounts to an act of unfriendliness towards the United States. Still the system formally recognized and authorized by the Irish land law of August 22, 1881, and by the arrears of rent act of August 18, 1882 (Pub. Stats., chap. 49, sec. 32, and Pub. General Stats., chap. 47, sec. 18), and the occasional declarations in Parliamentary debates (Times, April 11, April 27, May 1, 2, and 5, 1883) evince a strong readiness in the Government to extend the practice which has already become very noticeable here. The circumstance that these assisted emigrants have quite recently, on reaching our shores, become a burden upon the community, is one which in the interest of neighborly good feeling should be brought to the attention of Her Majesty's Government. It may, perhaps, be premature to pronounce a final judgment on the probable consequences to this country of a further development of the reported policy of Her Majesty's Government, but the subject presents itself at the outset under an aspect which this Government cannot view without concern, and certain considerations may very properly be brought forthwith to your attention, and by you to Lord Granville's notice.

The policy of encouraging immigration to the United States has been consistently followed by this Government, both as a political and economical measure, and there is now no desire to depart from it. The option of expatriation has been steadily urged as an inherent right, and, after many years' discussion, has been tacitly recognized by most European powers, and formally admitted by some—among them Great Britain. While urging the recognition of this right, the United States threw open their doors to the inhabitants of all nations, but more particularly to the poorer thrifty classes, who were heartily welcomed to our shores, given on the easiest terms sufficient land for their support, and incorporated in our body politic. To those desirous to improve their condition in the world, those who honestly endeavor to avail themselves of the political privileges of our Republican Government, the ports of the United States have never been closed; but to the criminal and the pauper no such privileges are extended, and the statutes of the United States empower the Executive to prevent their landing. The laws prohibit the coming of those liable to become immediately a charge upon the community, but the difficulty in the present case is to apply the law to individual cases. Poverty is not in itself a valid objection to the reception of an immigrant, for many of our worthiest citizens landed without money, but, possessing industry, application, ambition, and habits of economy, they have, while improving their own condition, added to the wealth and strength of the nation. That the self-reliant poor may, through misfortune, become a charge upon the community where they seek a new home is true, but such a possibility does not furnish a valid reason for returning them to their native country immediately upon their arrival.

The policy of assisted emigration is likely to send to us many who, lacking the qualities to secure a passage to America for themselves,

and depending upon Government aid for this, presumably do not possess the qualities to successfully cope with the adverse circumstances which must necessarily attend their first efforts in a strange country, and it is in this natural tendency of such a policy that we find a legitimate reason for objection to its enforcement by Great Britain. Honest, industrious and frugal immigrants will always be gladly received here, but this Government cannot look without deep concern upon any action by a foreign Government which tends to unloading its paupers, its "ne'er-do-wells," its aged and infirm, its cripples and weak-minded upon us, that we may afford that support through taxation which their native country owes them.

It is quite evident how the assisted emigration of such thriftless and dependent classes may at once relieve the burdens of the home community and entail corresponding burdens on a foreign community to an extent to justify international remonstrance. It is equally clear that the expedient of assisting emigration by Government aid is one only to be resorted to under circumstances which shall produce the greatest good to all alike, analogous, for instance, to an enlightened scheme of colonization. The object in view should rationally be not mere deportation of unproductive elements, but to offer to those whose home productiveness is impeded the advantages of a fresh start in life under more auspicious surroundings, such as the Great West supplies, whether in Canada or the United States. To such emigration as comes to its shores, willing, and within proper limits, able to join in the general work of production and self-sustenance, neither a fruitful dependency of the home state nor a friendly foreign state can rightly object.

Besides bringing the matter to the attention of Lord Granville, it is desirable that you examine into the subject and communicate to this Department your views thereon, together with any information you may be able to obtain on the subject of assisted emigration and its practical workings.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure 1 in No. 596.]

Mr. New to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
April 25, 1883.

SIR: I have the honor to transmit for your consideration and for such action as you may deem proper a copy of a report from the collector of customs at Boston, Mass., dated the 20th instant, with copies of two of its inclosures, in relation to the shipment of pauper emigrants to this country under the auspices of the British Government.

Very respectfully,

JOHN C. NEW,
Acting Secretary.

[Inclosure.]

Mr. Worthington to Mr. Folger.

CUSTOM-HOUSE, BOSTON, MASS.,
Collector's Office, April 20, 1883.

SIR: I beg leave to inclose herewith a communication from United States Minister at Brussels, of the 6th instant, advising me of the shipment to the United States h pauper emigrants, shipped under the control of the British Government, by

whom their journey is paid. These emigrants are reported as coming from the most distressed district of Ireland.

Accompanying this communication is an extract from the Moniteur Belge, Brussels. [See *ante*].

The steamship Phoenician arrived at this port on the 4th instant, having on board 420 ste rage passengers, of whom 213 were known as "assisted immigrants."

The steamship Nestorian, which arrived on the 14th instant, brought 770 steerage passengers, of which number 538 were assisted immigrants, nearly all of whom were ticketed through to various parts of the west; some, however, being destined to the oil and coal districts of Pennsylvania.

The alien passenger commissioner represents to me that all these steerage passengers were able-bodied, and, therefore, *prima facie*, able to "take care of himself or herself without becoming a public charge."

It is understood that the British Government supplied these assisted emigrants with money varying from £1 to £8 per family, according to the number of each family.

I regard this great influx of Irish pauper immigrants shipped under the control of the British Government as presenting a very grave question, and fraught perhaps with disastrous results, and I have deemed it my duty to transmit a copy of Minister Fish's letter for Department consideration, and have, &c.,

R. WORTHINGTON,
Collector.

[Inclosure 2 in No. 596.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT, *May* 1, 1883.

SIR: Referring to this Department's letter of the 25th ultimo, transmitting a copy of a letter from the collector of customs at Boston, dated the 20th ultimo, in relation to the deportation of pauper emigrants to this country, under the auspices of the British Government, I beg leave to transmit herewith a copy of a communication from the governor of Massachusetts, dated the 23d ultimo (with its inclosure), in relation to the same subject, with a renewal of the earnest request expressed in the former letter that you will take such action with reference to this matter as you may deem appropriate.

CHARLES J. FOLGER,
Secretary.

[Inclosure.]

Governor Butler to Secretary Folger.

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, April 23, 1883.

DEAR SIR: I have the honor to call your attention to a matter of very considerable importance to this commonwealth, which is perhaps as succinctly stated as it may well be, in the inclosed extract from the Moniteur Belge of April 6, 1883, of which I send you also the translation. [*See ante.*]

One cargo of these emigrants has already arrived in Boston, and another is momentarily expected. If I were convinced that it was in the power of this commonwealth to prevent their landing, I should deem it my duty so to do. Many of them immediately become a charge upon the commonwealth for support. As to themselves and their families, I have the strongest and deepest sympathy with these poor people, and if landed, I will endeavor to see that they are humanely and properly cared for.

I recognize, and rejoice in the theory upon which our Government was founded, that America should be a home for the oppressed and down-trodden everywhere. We welcome, therefore, all, however humble, who come to us of their own free will, aided by their energy, enterprise and resources. Such people, whether men, or women and their children, are a source of wealth to the country. But by this I by no means recognize the right of the Government of Great Britain to deport all its paupers to our shores, as if we were, though not a penal, yet a pauper colony of that Empire. By laws that trench very nearly on the penal, they have made these poor people of Ireland paupers, and then to get rid of feeding them, at governmental expense, send them to us, perhaps after they have selected the best of them to be sent to their own colonial dependencies. England ought not, in my judgment, to be permitted to empty her almshouses into the United States, nor ought she to be permitted in Ireland, where she has

not almshouses to care for the people that her laws have made paupers, to impose them as a burden upon State charities.

May I ask of you, Mr. Secretary, therefore to take such means as to your good judgment may seem legal and proper to prevent the landing of such deportations at least within the limits of Massachusetts, and I promise you whatever aid in that regard the executive of the State may be able to give.

If it so happen that the laws of the United States may be ineffectual to hinder the landing of these forlorn creatures, certainly it is within the scope of the diplomatic power of the United States to make such representations to the Government of Great Britain as will prevent their being sent here against the will and wish of our Government. If the latter is the only way in which the evil can be reached, may I beg of you to present the matter to the President for his consideration and intervention diplomatically if he shall see cause?

I have, &c.,

BENJ. F. BUTLER,
Governor.

[Inclosure 4 in No. 596.]

IRISH DISTRESS AND EMIGRATION.

Report by Consul-General Merritt, of London.

The reports published on both sides of the Atlantic relative to the extent and alarming character of the present distress among the Irish peasantry have been so conflicting and exaggerated that I have deemed an inquiry into the real facts of the situation would be of service to philanthropists, who too often give where charity is uncalled for and mistakenly withhold where it is needed. But aside from this consideration Irish distress means increasing emigration to the United States, and it includes many political questions into which it is not my province to enter. Wholesale emigration aided by Government is looked upon in many quarters as the only relief from the periodic famine, and measures are now on foot to send thousands of poor families from the "congested districts" of Ireland across the Atlantic.

Considering the subject in these aspects one of legitimate inquiry, on the 28th of February last I addressed a circular letter to the members of the United States consular corps in Ireland, asking them to make investigation in their respective districts and to report on the following points:

I. Whether the published accounts of the distress were substantially correct or were exaggerated.

II. Whether the prospects of amelioration in the immediate future were encouraging.

III. To what extent will the existing conditions tend to a more rapid emigration to the United States or the English colonies.

IV. Whether the Government, the guardians of the poor, or associations are engaged in sending paupers to the United States.

I.

The reports submitted in reply to the first question, while admitting the gravity of the situation, generally agree that the distress prevailing at present is not exceptional in its character, and that the published accounts to the contrary are exaggerated. In the poorer agricultural districts the situation of the peasantry is miserable, and abject poverty is the rule, but sad as it is it has been the same for years and has become the normal condition of life. The partial failure of the potato crop in certain parts of Ireland has to some extent aggravated the situation. The fisheries have again been unsuccessful, and the rainy autumn and winter, while foreboding no good to the coming crops, have interfered with the work of the laborer. Consul Piatt, of Cork, says upon this point:

"While I am inclined to believe that the destitution and distress in Western and Southern Ireland are great enough and worthy of the assistance that our people are always disposed to give, there is certainly room to doubt whether the picture as it is shown to the outside world is not exaggerated. Boards of guardians and popular bodies, I am assured, are in a measure responsible for this exaggeration, as they, in their anxiety to have the poor-rates relieved by the opening of relief works by the Government, have made efforts to magnify the distress in some localities."

In brief, it may be safely assumed that the much talked of "starvation point" has not been reached, however bad the situation may be, and that the local and Government authorities have abundant means at hand to relieve actual necessity.

II.

The prospects of amelioration of the present condition in the immediate future are most discouraging. Mr. Eccles, consular agent at Sligo, says:

"The wet weather of last harvest prevented much peat fuel being saved, and the poor suffer much from want of fire in consequence. Unless employment is given, or temporary charity be distributed until the warm dry weather comes, great distress will, I believe, prevail; but the laborers and small farmers do not like to become the recipients of charity and are anxious to obtain employment to support themselves and families. There is no prospect at present of this employment being obtained, and the outlook is gloomy indeed."

It is altogether unlikely that the Government will shortly commence public works in order to give employment to the people, as the policy settled upon is relief either by the workhouse or by emigration. The chief secretary for Ireland in a recent speech said that the condition of the poorer class of farmers was more deplorable than that of any class of people living in any civilized country; that there were 67,000 farms of from 1 to 5 acres, and 160,000 of from 5 to 15 acres; and in the latter class there were not more than from 2 to 2½ acres of arable land in their holdings. Under more favorable conditions the agricultural interests in Great Britain have suffered severely, the present price of farming land being the lowest known in generations, and the oppression of bad seasons and foreign competition has reduced the Irish farmer, whether tenant or owner, to still lower depths of poverty. Trade in Ireland is extremely dull. Land is almost unsalable at any price, and the unsettled political state of the country forbids the hope of capital being forthcoming to extend manufacturing interests. From whatever point of view the subject is looked at there is little or no chance for an improvement in the immediate future.

III.

With great unanimity the consuls agree that the present condition must act as a powerful stimulus to emigration, and many interesting facts are given in their reports to illustrate this branch of the investigation. In 1882 the emigration was 89,566, an increase of 10,847 over 1881, and the present year, at the lowest, will certainly show an emigration of over 100,000. The total numbers represented 17.2 per 1,000 of the population as it stood in 1882; 74.8 per cent. of the persons who left Ireland last year were between the ages of fifteen and thirty-five, showing that a large majority were able-bodied. Of the 47,426 males who emigrated, no less than 32,955 were returned as simple laborers. As to farmers, the figures for the past three years are: 1880, 1,994; 1881, 2,440; and 1882, 3,140.

IV.

As to the question whether the Government, the guardians of the poor, or associations are engaged in sending paupers to the United States, some diversity of opinion exists, which may be accounted for by the difference of the localities from which the consuls write. Consul Barrows, of Dublin, says that no such practice is in operation in his district. Consul Wood, of Belfast, writes:

"I know of no organized effort for any large deportation of sufferers or paupers to the United States. No doubt many will find their way there by the aid of friends, and often in a measure by charitable funds. It is to be feared that most of such emigrants are without means, and, what is worse, without skill in trades or other occupations, and with so little money as to afford no promise of any respectable support on their arrival in America."

Consul Livermore, of Londonderry, understands that "Government agents, with no great success, however, endeavor to induce the poor and lazy to emigrate." Mr. Eccles, at Sligo, after saying that the guardians of the poor have scheduled out certain districts under the emigration clauses of the land act, states that in the Sligo union alone 600 applications have been made, and in the western unions considerably more. Continuing, he says:

"The bulk of these emigrants will go to the United States. They will receive £7 per head to cover cost of passage and outfit. It has been calculated that this will cost £6 each, which will leave about £1 to each on arrival. As it appears to me, the guardians of the poor are desirous to emigrate those who are likely to be in a state of chronic poverty at home and save the rates from their possible support. If these people are thrown upon the cities of the United States without provision being made beforehand for their employment, they may become burdens on the rates there also, and the country of their adoption may become a looser instead of a gainer by their influx. * * * I believe also among the families who intend to emigrate there will be infants and many children of both sexes under fourteen years; old people will try to

get out by giving fictitious ages, and similarly also with those suffering from insanity, idiocy, and other infirmities."

I have thus briefly indicated the nature of the information which these consular reports contain and the general conclusions to which they tend, which I believe to be worthy of serious consideration. * * * As to relieving Irish distress by contributions of money from the United States, which have always been so liberal, the charges have been so frequent in the past that much of this money has been used for other purposes, that I suggest in the future the utmost care be taken in choosing the channels through which the charity is to be administered.

In conclusion, I desire to express my sincere thanks to the United States consular corps in Ireland for their full and prompt replies to my questions on the subject of this investigation.

E. A. MERRITT,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, March 21, 1883.

No. 228.

Mr. Lowell to Mr. Frelinghuysen.

No. 554.] LEGATION OF THE UNITED STATES,
London, May 26, 1883. (Received June 5.)

SIR: Referring to your instruction No. 577, of the 20th April last, I have the honor to acquaint you that immediately after its arrival I addressed a note to Lord Granville conveying the thanks of the President for the kind assistance rendered by the officers of Her Majesty's Government in Bulgaria in protection of the rights of American citizens there.

On the 14th instant Lord Granville expressed to me in a note of that date the satisfaction with which he received that communication.

On the 16th instant his lordship sent me a further communication, a copy of which I herewith inclose, transmitting copies of the dispatches from Mr. Lascelles in relation to the same subject. Lord Granville asks me to inform him what further steps, if any, my Government would wish Mr. Lascelles to take in the matter in their name.

Will you be kind enough to instruct me what reply I shall give to Lord Granville's inquiry?

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 554.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *May* 16, 1883.

SIR: Her Majesty's agent and consul-general at Sofia has reported to me the circumstances relating to the closing of American schools in Bulgaria, and the action taken by him in the matter, and I have the honor to transmit, herewith, copies of his dispatches on the subject.

The Bulgarian Government has refused to comply with the representations made by Mr. Lascelles, on behalf of the missionaries, as to the reopening of their schools, and I beg that you will have the goodness to inform me what further steps, if any, your Government would wish Mr. Lascelles to take in the matter in their behalf.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *February* 21, 1883.

MY LORD: I have the honor to inclose a copy of a statement which has been handed to me by Mr. Challis, one of the American missionaries in Bulgaria, with regard to the forcible closing of the American school at Sistova on the 16th ultimo.

On the receipt, on the 20th ultimo, of a telegram from Mr. Ladd, I requested Mr. Voulcovitch to cause inquiries to be made, and if necessary to take the necessary measures to redress the wrongs complained of by the American missionaries, and on the 23d I telegraphed to Mr. Ladd that I had been informed by his excellency that the school had been closed because the formalities required by Bulgarian law had not been complied with, and I also wrote at the same time recommending the American missionaries to make an application to the minister of public instruction for permission to open their school. I also recommended them to comply with all the formalities required by law.

In consequence of a further application which was made to me personally by Mr. Ladd, I requested Mr. Stoiloff, who had succeeded Mr. Voulcovitch, as minister for foreign affairs, to give immediate orders that the seals which had been affixed to the school-room at Sistova, which was also used as a place for divine worship, should be removed, as whatever right the minister for public instruction might have had to order the closing of the school, I could not admit that the Bulgarian authorities had any right to effect a forcible entrance into the house of an American citizen, and to affix seals to a portion of that house, without previous communication with the consular authority. Mr. Stoiloff at once sent the orders I asked for, and on the 24th ultimo the seals were removed on the understanding that the room should not be used as a school-room until the right of using it should be decided by the authorities at Sofia.

Mr. Stoiloff subsequently informed me that he had examined the question, and had come to the conclusion that the authorities had no right to order the closing of the school, as it appeared that the American missionaries had complied with all the requirements of the law. He had therefore addressed a letter to the minister for public instruction, the draft of which he read to me, asking him to state the grounds upon which he acted, and to give the necessary permission for the school to be reopened, unless there were some legal reason to the contrary.

I have told Mr. Stoiloff that the action of the authorities in this case appeared to me to be an attempt at religious persecution, and that I had been informed by one of the missionaries that the minister of public instruction had declared to him in conversation that it was the intention of the Bulgarian Government to close all the Protestant schools in the principality. I reminded Mr. Stoiloff that the treaty of Berlin guaranteed religious liberty to all the inhabitants of Bulgaria, and strongly urged him to put a stop to any tendency to religious persecution, which could not fail to create a most unfavorable impression throughout Europe.

Mr. Stoiloff replied that a party existed in Bulgaria who were supported by the clergy and the Russians who desired to suppress all schools which were not of the orthodox faith.

* * * * * * *

The American missionaries, who have recently met at Sofia, have had an interview with Mr. Stoiloff, who gave them the most satisfactory assurances, and expressed the hope that the matter might be arranged without any official action on my part.

* * * * * * *

I have thought it only fair to Mr. Stoiloff, who I believe is sincere in this matter, to give him an opportunity of fulfilling the promises he has made to the American missionaries, without any pressure from me, and I have therefore informed Mr. Challis, that while I should always be ready to afford them any assistance in my power, I considered it better that I should not take any further steps in the matter for the present, unless circumstances should render immediate action on my part desirable.

I have, &c.,

FRANK C. LASCELLES.

[Inclosure.]

D. C. Challis and others to Mr. Lascelles.

STATEMENT.

HONORED SIR: We, the undersigned, American missionaries within the principality of Bulgaria, respectfully submit for your consideration and action the following statement:

As is well known, we have labored among the Bulgarian people for upwards of 25 years as evangelical missionaries. In connection with our work of preaching and dis-

tributing the Scriptures and other instructive books, we have found it necessary to establish schools at our various stations or centers of work, for the reason that the existing schools were and still are acknowledged to be inefficient and inferior to those which we can establish, and also that the national schools are all carried on in the interest of the Eastern Orthodox Church, whose rites and ceremonies are enforced on all pupils in attendance. Hence any people or community, or even isolated families, holding doctrines at variance with those of the Established Church, must have schools of their own, if their rights of conscience are to be respected. Such schools have been a feature of our work from the beginning, and the liberal patronage which they have received show that they are appreciated by the people. These schools are in no sense new, except that some of them have been transferred from one city to another, owing to the difficulty of purchasing property for Protestant school purposes.

When application was made for permission to build an edifice for the girls' school at Loftcha, a permit was refused on the ground that the school was not desired, for a petition had been circulated among the common people against such permission, and it was numerously signed under pressure by the authorities. Application was then made to the minister of the interior, and repeated assurances were given by him that there was no law against the existence of such schools. An order was telegraphed to the city council of Loftcha to place no further obstacles in the way of the erection of the proposed building. In answer to a second application the authorities again refused permission. A telegram to the ministry received the reply that on account of representations made by the prefect the former order was rescinded; afterwards the prefect informed the resident missionary verbally that the minister of the interior desired him to say that on the ground of existing laws and treaties there was no reason why permission to erect the building should not be granted, but that, in order to avoid local disturbances, it would be better to defer its erection for a short time. A few days later a formal order was sent from the ministerial council which directed "that the Protestant missionaries be not permitted to establish a school in Loftcha, since this is one of their methods of proselytism which cannot be permitted in Bulgaria, where the people have their own religion."

Application was then made to the city council for permission to erect a dwelling for the resident missionary, which, after a considerable delay, was granted. This building is now occupied by the family of the resident missionary and the girls' schools.

The American school at Sistova was commenced November 6, 1882, and continued without question for three months, when the inspector of schools, Mr. Somoloff, informed one of the teachers that unless a written notification of the opening of the school were sent him within three days he would close it. Such notice was given him the next day; he said it was sufficient, and that nothing further was needed. About six weeks after this the prefect called Mr. Tomoff, one of the teachers, and asked him about the school, saying that he, the prefect, had been appointed inspector instead of Mr. Somoloff. Mr. Tomoff answered his questions and gave him a programme of the school. On January 16 the prefect came to the school with an order, said to be from the minister of education, commanding him to close the American school, as its existence was contrary to law. Upon being asked what law had been violated, he replied that it was not his business to tell. He was then requested to present the order in writing, which he did, demanding the closing, not only of the day but also of the free evening school under the charge of the pastor. Upon consultation the teachers decided to make out a paper to the prefect, stating that they would comply with his order and close the American school, although they knew no law therefor. Another paper was directed to the inspector, stating that on the following morning they would open a Protestant school. In the evening Mr. Tomoff offered the paper to the prefect. He refused to receive either of them: the one directed to the prefect because it was out of office hours, and the other, directed to the inspector, because he claimed to be no longer inspector. He also said that the office of inspector was vacant, and might remain so for some time.

Having learned that there was no way of giving notice of the opening of the Protestant school, the next morning it was decided to notify the prefect that the school would be continued until the ministry should point out what law had been violated. Before noon, Mr. Ladd, one of the missionaries, saw two men enter his home without knocking. When he reached them, they were passing through an inner door which opens into a room consecrated to school and church purposes He ordered them to stop, and then asked them to allow him to shut the door, which latter they refused to do. As one of them was standing against the door, Mr. Ladd pushed him aside as gently as possible, and shut the door. He then ordered them as intruders to leave the house, telling them that he had the right to defend his house against intrusion. They refused to go. Up to this time Mr. Ladd did not know who they were, or what they wanted. At this moment the prefect came, accompanied by eight or ten gensdarmes, and at once ordered the arrest of Messrs. Tomoff and Econnomoff, who were interpreting for Mr. Ladd. They were violently seized by the gens d'armes, thrown down, kicked, and otherwise ill-treated, and dragged ignominiously to jail. Mr.

Economoff, who was at the time in poor health, was thrown violently into the dungeon. Mr. Ladd informed the prefect as well as he could in Bulgarian that he did not understand that the latter had any right to enter his house without permission or an order from the English consul-general, who, as he believed, acted in behalf of American citizens in Bulgaria. But notwithstanding this he entered, followed by the gensdarmes, together with the rabble which had gathered outside. The missionaries protested against their entering, but in vain. The prefect then offered them this alternative, that either the house should be sealed or that the teachers should bind themselves in writing not to teach. The latter they refused to do, and the house was accordingly sealed.

After the school-room was sealed, the students in the theological department, eleven in number, who lived in the house of Mr. Jones, one of the missionaries, continued to study, and the teachers gave them private instruction.

On the 23d January the sub-prefect came to Mr. Jones's house and inquired if there were students living there. Being answered in the affirmative, he inquired as to the number, &c., of these students, and was told that there were eleven in the house who were taking private lessons. The next day an order came to Mr. Jones to close the school in his house within two hours. Mr. Jones replied that he had no school, for it had been forcibly closed, and that he simply gave private lessons at their own request to the students living in his house. The prefect then ordered the students to leave the house. Mr. Jones would have resisted, but knowing that the prefect had undertaken to accomplish his ends at all hazards, and that he would drive the students out by force into the midst of a severe storm, he thought it better to transfer them peaceably to another house, doing so, however, under the strongest protest.

We give these statements at length, that there may be a full understanding of the nature and extent of the violation of our rights on the part of the authorities. We ask for no intervention that shall interfere with the prerogatives of the Bulgarian Government, but we do ask that due respect may be paid by it to the rights guaranteed to us. We base our appeal on the following considerations:

1. Article V of the treaty of Berlin secures the liberty of conscience to all living in the principality.

2. The constitution adopted by the representatives of the Bulgarian people grants full religious liberty upon the sole condition that the rites and ceremonies of any religious society shall not violate existing laws.

3. We are assured by the highest legal authority in the principality that no law exists which forbids the opening and carrying on of our schools.

4. Some of our schools were in operation previous to the organization of the Bulgarian Government. Others were allowed to be opened without being questioned by the authorities, and none have been interfered with until the past year.

5. We have invested considerable sums in real estate in connection with our educational work, and claim the right of being protected in our property interests. We therefore claim such recognition of our rights on the part of the Bulgarian Government as shall secure us from further unlawful interference by officials, and afford us the protection which the law affords to all. With many thanks for your kindly interest and efficient help in the past,

We are, &c.,

D. C. CHALLIS, *Loftcha.*
W. E. LOCKE, *Samakor.*
J. HENRY ROUSE, *Samakov.*
FRED. L. KINGSBURY, *Samakov.*
WM. W. SLEEPER, *Samakov.*
E. F. LOUNSBURY, *Roustchouk.*
J. L. LADD, *Sistova.*
A. R. JONES, *Sistova.*

Treaty of Berlin.

[Translation.]

ARTICLE V.

The following provisions will form the basis of the law in Bulgaria:

Differences of religious belief and confessions shall not be an obstacle to any one, as a motive of exclusion or incapacity in the enjoyment of civil and political rights, the admission of employments in public functions and honors, or the exercise of different professions and industries in whatever locality it may be.

The freedom and practice of all forms of religious worship are assured to all belonging to Bulgaria, including foreigners, and no obstacle shall be made to the hierarchical organization of different communions, or in their relations to their spiritual chiefs.

[Inclosure 3 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *April* 6, 1883.

MY LORD: With reference to my dispatch No. 9 of the 21st of February, I have the honor to inclose a copy of a note which I have addressed to Mr. Zancoff, to return to him two summonses which he had sent me to be forwarded to two American citizens residing at Sistova.

Your lordship will perceive that the reason I give for returning the summonses was that they reached me too late for me to be able to forward them to their destination by the time fixed for the trial, and I also reminded Mr. Zancoff that his predecessor had given me the assurance that no legal proceedings should be taken against the American missionaries until the question of their right of opening schools at Loftcha and Sistova should have been settled by the Bulgarian Government.

I have urged upon Mr. Zancoff the necessity of settling this question without delay, and have pointed out to him the hardship which has been entailed upon the American missionaries by having been obliged to close their schools. Mr. Zancoff replied that he believed that the closing of the schools had been ordered in consequence of complaints made by the population of Sistova against the proselyting zeal of the Americans, and that a law was being prepared to regulate the position of all schools in the principality.

I told Mr. Zancoff that the American missionaries desired to fulfill all the requirements of the law. As yet, as far as I could learn, they had done nothing illegal, and the closing of their schools had been an arbitrary act of the authorities. If the missionaries found that they could not comply with the new law, they would leave the country, as it was one of their principles not to act in defiance of the authorities. They had been in the country for upwards of twenty years and had not been molested under the Turkish rule, and I pointed out to Mr. Zancoff the bad impression that would be created if they were now forced to leave. The fifth article of the treaty of Berlin moreover assured the freedom and outward exercise of all forms of worship to all persons belonging to Bulgaria as well as to foreigners.

Mr. Zancoff having expressed the wish to see the American missionaries, I requested Mr. Challis, who is now staying at Sofia, to call upon him, which he did the day before yesterday. Mr. Challis has informed me that in this interview Mr. Zancoff, who seemed imperfectly acquainted with the question, was very guarded in his language and recommended him to call upon the acting minister of public instruction, which Mr. Challis intends to do. * * *

I have, &c.,

FRANK C. LASCELLES.

[Inclosure.—Translation.]

Mr. Lascelles to Mr. Zancoff.

SOFIA, *March* 28, 1883.

Mr. ACTING MINISTER: I have the honor to acknowledge receipt of the note which you addressed me under yesterday's date, transmitting two summonses emanating from the inferior tribunal of Sistova concerning two American citizens.

These two gentlemen are summoned to appear before the tribunal the 19th–31st of this month, and I may be permitted to remark, Mr. Acting Minister, that it will be quite impossible for these summonses to arrive at their destination before that date. I have therefore the honor to return them to you inclosed, begging you to explain the reasons which have prevented me from acceding to the request which you addressed to me.

Permit me at the same time to inform you that your predecessor, Mr. Stoiloff, gave me the assurance that so long as the question of the right of the American missionaries to open schools at Sistova and at Loftcha was not settled by the Government, no legal proceedings would be taken against them.

I hope that this question, which has so long been under the consideration of the Bulgarian Government, will now reach a definitive solution.

I am, &c.,

F. C. LASCELLES.

[Inclosure 4 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *April* 18, 1883.

MY LORD: With reference to my dispatch No. 24 of the 6th instant, I have the honor to report that Mr. Agourd, the acting minister of public instruction, has informed Mr. Challis that in view of the popular feeling at Sistova against the teaching

of the American missionaries, it is impossible for the Bulgarian Government to grant permission for the opening of American schools.

In consequence of this answer I have informed Mr. Zancoff, the acting minister for foreign affairs, that it became my duty to report to your lordship the decision which the Bulgarian Government had arrived at, and to wait your lordship's instructions on the subject. I also told Mr. Zancoff that I had recommended Mr. Challis to report the matter to the United States minister at Constantinople, who, I understood, had the intention of bringing the question to the notice of the great powers. Mr. Zancoff replied that the right of opening schools in Bulgaria was a purely internal matter, which would not justify the interference of the powers. He said that he himself was favorably disposed toward the Americans, but that they appeared to have acted in an illegal manner. * * * I told Mr. Zancoff that as far as I could learn the Americans had done nothing illegal, and that they professed their willingness to comply with all the requirements of the laws which might be made; what they complained of was the arbitrary act of the authorities in illegally closing the schools. The Bulgarian Government had now decided that the schools should not be reopened, and the matter had therefore assumed so serious an aspect that it became my duty to apply to your lordship for instructions as to the course I should follow in regard to it. Mr. Zancoff said that he would bring the matter before the council of ministers. * * *

The schools of the American missionaries are not the only ones which have been recently closed by the Bulgarian authorities at Varna, where there is a large Greek population. Two Greek schools were closed some time ago, and Mr. Rangabé, the Greek agent and consul-general, has informed me that in spite of an order from the Bulgarian Government, the prefect refused to allow them to be opened, and that it was only in consequence of a telegram to the prefect, informing him that unless the schools were opened he would be dismissed, that he at last obeyed the orders he had received. * * *

With regard to the popular feeling which is said to exist in Sistova, I am informed that a petition signed by three thousand persons has been addressed to the minister of public instruction against the American schools. Mr. Challis has informed me that no doubt there is a class of persons who are hostile to the work of the American missionaries, and among these are to be counted a large number of the clergy. He denies, however, that the majority of the inhabitants are opposed to the missionaries, who are quite prepared to meet with opposition, provided that they are not molested by the authorities. He was not aware of the manner in which the present petition was got up, but he has informed me that last year a petition directed against them was circulated by the tax-gatherer. He has also informed me that under Turkish rule the missionaries had no complaint to make against the authorities, who, on the contrary, protected them against the attempts at persecution which were made by some of their Bulgarian opponents.

* * * * * * *

I have, &c.,

FRANK C. LASCELLES.

No. 229.

Mr. Lowell to Mr. Frelinghuysen.

No. 557.] LEGATION OF THE UNITED STATES,
London, May 29, 1883. (Received June 9.)

SIR: I have the honor to acquaint you that on the 21st instant I received your No. 586 of the 5th instant, and immediately placed it in the hands of the copyist. I was not able to make an appointment to communicate it to Lord Granville for an earlier date than to-day. I have just now returned from the foreign office, where I had an interview with his lordship, and read this instruction to him, agreeably to your direction. I also left a copy of it with him at his desire.

I have, &c.,

J. R. LOWELL.

No. 230.

Mr. Lowell to Mr. Frelinghuysen.

No. 558.] LEGATION OF THE UNITED STATES,
London, May 29, 1883. (Received June 9.)

SIR: Referring to my No. 554, of the 26th instant, I have the honor to acquaint you that I received yesterday from Lord Granville a further note upon the subject of the attacks upon the American mission schools in Bulgaria, a copy of which I herewith inclose.

I may add that I have just had an interview with the Greek chargé d'affaires, who called at the legation in pursuance of an appointment made yesterday, who informed me that his Government naturally felt itself deeply interested in this matter, in consequence of similar attacks upon Greek subjects in Bulgaria. He seemed to be of the opinion that these attacks grew out of a concerted design to prevent the establishment of all schools by foreigners in that country. I informed him that any action by my Government in this matter would probably be taken through its legation at Constantinople.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 558.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *May* 24, 1883.

SIR: I have the honor to inform you that I have received a dispatch from Mr. Lascelles, Her Majesty's agent and consul-general in Bulgaria, inclosing a report from Mr. Dalziel, the British vice-consul at Roustchouk, with reference to an attack which had been made on the house of the American missionary, Mr. Challis, at Loftcha.

Mr. Dalziel states that Mr. Challis called upon him and reported that on the 17th ultimo five apparently drunken men made an attack on his house and school at Loftcha, burst open three doors, and beat Mr. Jones, the missionary, who was in charge of the establishment. During these proceedings two Bulgarian priests are said to have been standing at a short distance off laughing, and it was believed that the outrage was incited by them.

The police were at once sent for, upon which the assailants retired, and consequently when the police arrived all was over.

Mr. Dalziel states his belief that one or two arrests have been made in consequence, and understands that Mr. Challis is about to proceed to Constantinople to lay the matter before the United States minister.

Mr. Challis also informed the British agent at Sofia of the matter, but as some persons had been arrested by the police in connection with the attack, Mr. Lascelles did not think it necessary to take any action in the matter without instructions.

I have, &c.,

GRANVILLE.

No. 231.

Mr. Lowell to Mr. Frelinghuysen.

No. 563.] LEGATION OF THE UNITED STATES,
London, June 6, 1883. (Received June 19.)

SIR: Referring to your instruction No. 564, of the 5th day of April, 1883, I have to acquaint you that on the 18th day of April last, the day of the arrival of the instruction, I addressed a note to Lord Granville in

compliance with its terms, informing him of the action I should take on the 2d of July next in obedience to a resolution of both houses of Congress of the United States, in giving notice of the termination of Articles XVIII to XXV, inclusive, and Article XXX of the treaty of May 8, 1871, between the United States and Great Britain; and that on the 28th of April last I received a reply from his lordship, acknowledging the reception of my note.

I beg to inclose herewith a copy of this correspondence.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 563.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, April 18, 1883.

MY LORD: I have received to-day, from Mr. Frelinghuysen, a dispatch inclosing the copy of a joint resolution of both houses of Congress of the United States, providing for the termination of certain articles of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871, which articles, under the protocol signed June 7, 1873, took effect on the 1st day of July, 1873, and, by the terms of the original treaty, are subject to termination by either party on two years' notice, given at the expiration of ten years from July 1, 1873. This resolution, which was approved March 3, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles numbered 18 to 25, inclusive, and of Article XXX of the treaty May 8, 1871, will terminate and be of no force on the expiration of two years next of after the time of giving such notice, which the President is further directed to give on the 1st day of July, 1883, or as soon thereafter as may be.

I am therefore instructed to comply with the directions of Congress in this matter, as set forth in the resolution, by giving the notice required; and, as the 1st day of July falls on Sunday, I am directed to give this notice on the next succeeding day. I beg, also, in compliance with further directions, to inform your lordship of the purport of this instruction, and of my contemplated action under it.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 563.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *April* 27, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, in which you acquaint me that, in compliance with the instructions you have received from your Government, you propose to give notice on Monday, the 2d of July (the 1st July falling on a Sunday), of the intention of the United States to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty of the 8th of May, 1871, between Great Britain and the United States, which will cease to be in force on the expiration of two years from the date of such notice being given.

I have, &c.,

GRANVILLE.

No. 232.

Mr. Frelinghuysen to Mr. Lowell.

No 605.] DEPARTMENT OF STATE,
Washington, June 7, 1883.

SIR: Acknowledging the receipt of your dispatch No. 554, of the 26th ultimo, inclosing copies of documents in relation to the protection of

American missionaries in Bulgaria by British representatives there, I have to inform you that at the request of the missionaries themselves no action will be taken at present in regard to the matter.

If hereafter pressed, the subject may require an examination of the guarantees of religious toleration under the treaty of Berlin, for the purpose of ascertaining whether its provisions extend to citizens of non-signatory powers, and if so, how those powers may take steps to ask the observance of those guarantees. I will therefore thank you to aid the Department in this investigation by making discreet unofficial inquiries in relation to the matter, and to report the result of your examinations at your earliest convenience.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 233.

Mr. Davis to Mr. Lowell.

No. 617.] DEPARTMENT OF STATE,
Washington, June 26, 1883.

SIR: With reference to previous correspondence on the subject, I inclose herewith for your information a copy of a dispatch from Mr. Wallace, the American minister at Constantinople,* reporting the action taken by the Italian, French and Austrian Governments with reference to religious intolerance in Bulgaria.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 234.

Mr. Lowell to Mr. Frelinghuysen.

[Extract.]

No. 573.] LEGATION OF THE UNITED STATES,
London, June 30, 1883. (Received July 10.)

SIR: Referring to your instruction No. 596, of the 25th of May last, in relation to the action of Her Majesty's Government in assisting the emigration of inhabitants of Ireland to the United States, in reply I have the honor to state that my attention had been naturally already drawn to the subject, but that I concluded upon reflection that there would be great difficulty here in ascertaining the facts and identifying the persons sent out, and that the laws already existing in the United States making it a penal offense to import paupers would suffice to check and remedy the evil. The class whom the Government proposed to assist were, as I had always heard and believe, to be from that one called the "congested districts" in Ireland, and were persons able and willing to work, but prevented from maintaining themselves by the unfavorable conditions of soil, climate and superabundant population. They were

* See Mr. Wallace to Mr. Frelinghuysen, No. 226, June 4, 1883, *post.*

to be precisely such immigrants as the United States had always welcomed when they came, and even encouraged to come, and great numbers of whom had been aided in coming by their relatives and friends in America, who had remitted money for the purpose. I had at one time gone so far as even to make the draft of a note of remonstrance to Lord Granville, but reflecting that I had no more stable grounds to go on than the telegraphic reports to the newspapers, I thought it wiser to wait for definite instructions from the President.

In the meanwhile, however, in accordance with your directions, I took the first occasion of speaking with Lord Granville on the subject, telling him that the exportation of paupers would be naturally resented by the people and Government of the United States, and that I should address a private note to him calling for information. This I accordingly did, and in reply received an unofficial note from him conveying a statement from Lord Spencer, the highest and most trustworthy authority, to the following effect:

We have had no desire to send emigrants to the United States; but many wished it, and we put upon them the check of requiring those asking to go there to show letters from relatives and friends indicating that they would be helped to find work.

This was carried out in no illusory way.

Remember, too, that families have been selected with a view of their being able to support themselves. As we want the scheme to succeed, it is against our policy to send out those who would fail and become paupers.

About 11,000 persons have been aided to emigrate to the United States, or have been approved of as emigrants to that country.

Very few can properly be called paupers. In some cases persons in receipt of relief in workhouses have been sent out with other emigrants, but they are a very small proportion of the whole number selected.

In some few instances the aged father or mother of the emigrant has been allowed to accompany the family, but only when there is reason to believe that the working members of the family are sufficient in number to maintain by their labor the aged persons referred to, as well as the younger children.

The practice is to give one pound for each adult, and ten shillings for each child over one year of age, as an allowance on landing; but in consequence of a report received by the local Government board on the subject of the demand for labor in the United States, instructions have been given to the emigration committee to take care that in determining upon the destinations of persons who may be selected for emigration under the provisions of the twentieth section of the "arrears of rent" (Ireland) act, the emigrants are not allowed to proceed to the United States unless they desire to join friends or relatives there and unless they can show that their friends or relatives are in a position to put them in the way of procuring employment and can help them to maintain themselves until they obtain such employment. * * *

I also addressed a note to Mr. Sidney Buxton, M. P., agent for the so-called "Tuke fund," and received from him the following reply to my questions:

Only one family (out of about eight hundred whom Mr. Tuke's fund is sending) came from the workhouse. This family was going straight to the man's father in Wisconsin. They went by the first ship, and most satisfactory letters have been received from them.

No families were sent to the States who could not produce letters from some near male relative out there promising them a welcome and help in getting work when they should arrive.

Mr. Buxton always saw the letters, so as to be sure they were of recent date and were not forged. Those people who had no friends in the States were sent to Canada, if they were suitable and willing to go. In Canada they will be met and looked after by the agent and friends of our committee.

The assistance given (in addition to the free passage) was a suit of clothes usually for every member of the family, and a sum of money (varying from £8 to £1 for a single person) to be handed to the head of each family on landing. The amount was calculated according to the length of the journey, the number in the family, ages, &c.

I may add to this statement, written on behalf of Mr. Buxton, that a late article by him, contributed to the Fortnightly, gives a detailed account of these proceedings.

I inclose, as containing additional information calculated to throw some light on the matter, a letter of Mr. J. H. Tuke, reprinted from the Times of the 15th of June, instant. * * *

I shall transmit further facts in relation to this subject as soon as I shall be able to obtain them.

I think I may, in conclusion, express my conviction that nothing could be farther from the wish of Her Majesty's Government than to promote or connive at the exportation of paupers to the United States, or to do anything that would be so surely and properly offensive to the Government at Washington.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 573.]

Mr. Tuke to the editor of the Times.

[Extract from the Times of June 11, 1883.]

HITCHIN, *June* 7, 1883.

SIR: Will you allow me, on my return from the West of Ireland, to supplement the short statement of the work carried on by the committte of the Tuke fund which appeared recently in the Times?

Since March 23, the date of the first shipment, to June 3, when the last party sailed, upwards of 800 families and a limited number of single persons—in all 4,800 souls—have been assisted by the committee, under the emigration clauses of the arrears act. In addition to ocean passage and "landing money," each emigrant had to be clothed and conveyed from the home to the port of embarkation by means of cars, carts, or boats—many of the people for a distance of from 30 to 60 miles. All emigrants for the United States have been provided with through tickets to the various destinations where friends resided who had promised beforehand to find work and a home, or to employers with whom the committee had previously made arrangements for their reception; while for those going to Canada arrangements had also been made with the agents of the Dominion Government to forward the emigrants to various places, ranging from Toronto to Winnepeg, wherever labor was demanded.

The total population of the four unions in Mayo and Galway, from which the 4,800 emigrants have been assisted, is under 50,000, and it will at once be evident that the departure of one in ten of the population, and these from the poorest and smallest holdings, must prove a very sensible relief to the existing destitution of these districts. At the same time it is of the utmost importance to recognize that these emigrants are not paupers. Deplorable as may be their want of proper food and clothing, they are neither recipients of outdoor relief, nor inmates of the workhouse, but impoverished from the entire want of employment and the impossibility of living on their small holdings.

Objections are often urged against our work, based upon the belief that the vacant holdings will be immediately filled up, and the question is repeatedly asked, "What has become of the land now vacated?" The statistics taken from one electoral division of the Clifden Union will, I think, dispel some of these objections, and, so far as my information goes, may be regarded as a fair illustration of the whole unions, unless it be that a larger proportion of holdings may remain untilled in some still poorer divisions.

Of forty-three holdings twenty-seven were held by head tenants, paying rent from 25*s.* to £5 each; seven held by under tenants; and nine held in conacre. As regards the land of the twenty-seven head tenants, nineteen of the holdings have been added to those of adjoining tenants, and eight remain unoccupied, the land being deemed too poor, or the landlord preferring to retain it without a tenant; while the lands of the seven under tenants and nine conacre men, who held by the season only, have reverted to the head tenants. So far as this evidence goes, it seems all in the right direction, viz, the consolidation of holdings, and increase in the quantity of land required for those who remain. And if, as I believe, the same beneficial results have been attained for the whole of the districts from which the 800 families who have been assisted by the committee have been drawn, it may, I think, fairly be claimed that family emigration thus conducted benefits alike those who leave and those who remain. In addition it may be said to those who dread a refilling of these miserable holdings, that the sense of the impossibility of living upon them has at length

strongly taken hold upon the minds of the people in the West of Ireland, and that, subject to the success of those who have gone forth this year, thousands more will be ready to leave if the chance is given them another year. And if, as I think, the evidence is conclusive as to the benefit conferred upon the localities from which this emigration has taken place, what, it will be asked, are the results for those who have left?

It is as yet too early to speak with any degree of certainty of these results, although many letters have been received from the emigrants who left early, speaking of the abundance of the employment and the welcome they have received from their friends. But this may undoubtedly be said, that no emigrants have left their homes in Ireland under happier auspices, with less risk of failure, or with better chances of success. Well clothed, and conveyed from their door to the port of embarkation, where they are met and have lodgings and food provided by the agents of the Government and the committee, until the ocean steamers are ready to convey them to their destinations; provided with free passages and railway tickets to any part of Canada or the United States that they may select and are approved by the committee, and on landing, met by agents appointed by the English or Canadian Government, the emigrant feels that he is cared for, and that friendly hands have been stretched out to aid and succor him; above all, among a people with whom the family tie is so paramount, the fact that the family is not divided, that husband and wife, and the long procession of older or younger "Pats and Peters, Marys and Barbaras, with Festy and 'the couple,'" are allowed to go together, gives to the "fremigration" (as it called) a wholly different character.

This deprives the embarkation of its sadness, and in the ten or twelve shipments at which I have assisted there has rarely been the painful wailing so familiar at the railway stations when one member of a family leaves alone. As I heard it remarked one day, "One would suppose the people were going for a picnic, they are so cheerful and happy." And as, at parting, they crowd with prayers and blessings around those who have had the happiness of being allowed to assist them, their gratitude is evinced in many little acts very touching to witness. That this feeling is not merely momentary, the captains of the various steamers of Messrs. Allan & Co. have borne ample evidence. One extract only I will ask you to find room for; it is from Captain Browne, of the steamship Phœnician, whose name is well known for courage and seamanship as "Atlantic Browne." It is dated May 20, 1883, steamship Phœnician, Glasgow:

"We arrived here yesterday all well, after our second trip with emigrants from Ireland, assisted by Tuke's fund, and in referring to them I feel it my duty to say something in their favor. They have on both voyages behaved themselves in a manner most creditable, always strictly observing all orders given and company's rules, which are printed in the steerage. I consider they are deserving of all praise. Before landing at Boston I gave them the money (landing) as per Mr. Tuke's list, when they appeared to be truly thankful. In fact every time I spoke to them they were very pleased and grateful to those gentlemen who had assisted them in leaving their old homesteads.

"Your obedient servant,

JOHN BROWNE."

It will also be satisfactory to those who have assisted in this movement to learn that the emigrants selected have entirely satisfied the agents of the Canadian Government on their arrival, and have even won from their opponents in the United States a very favorable notice. Mr. Stafford, the able emigration agent for the Canadian Government at Quebec, on the arrival of the fourth of our shipments, says: "The emigrants are remarkably well behaved. You have made really good selections, and the health, appearance and good conduct of the people were all that could be desired. Labor is in good demand, and I have no doubt all your people are at work."

After the violent opposition with which we were threatened by the American newspapers, it is especially gratifying to find that they have been compelled to change their curses into blessings, as the following quotation from the Boston Daily Advertiser will show:

"The much-expected 'emptying of the almshouses of Great Britain upon our shores' does not appear to have begun yet, and neither statute law nor diplomacy has been needed to be applied to assisted immigrants. The steamship Phœnician, of the Allan line, reached its dock at this port yesterday bringing 821 steerage passengers, of whom 415 had been 'assisted.' This assistance, as explained in the Advertiser of April 24, is provided in Ireland partly from a benevolent fund known as the 'Tuke fund,' and partly from the treasury of the British Government. These passengers came principally from the West of Ireland, being taken on board at ports where the agents of this line of steamers have contracted to do so. The customary strict inspection was made by the state superintendent of alien passengers or his deputy.

None were found to be objectionable on the score of being likely to become subjects of public charity, and they appeared to be a physically sound and healthy lot of people, quite up to the average of immigrants coming here without assistance. Wherein this class conspicuously differs from the general run of immigrants from Ireland, is the greater portion of children among them. Of the 415 assisted passengers of the Phœnician, 196 were of less than 15 years of age, and of the 415, there were 92 destined to different points in this State.

"The ticket which is given in Ireland to an assisted passenger conveys him to his ultimate destination. The Montana-bound party, for example, did not have to get anything more in the shape of a ticket, or the like, when they reached this port. These points of destination are not invariably a matter of option on the part of the assisted passenger. He has the option of remaining at home, but if he takes passage he must go to a point where the agent of the assisting parties has information that employment can be found on arrival. In general, they are assisted beyond the price of the passage by a gift outright of money, in varying sums of from 10s. to £12.

"So far as can be ascertained, no person of the five different arrivals of assisted passengers reaching this port since April 3 has become a 'burden to the State,' though all have paid the head-money of half a dollar. The sum total of this head-money is held as a fund by the treasurer of the United States, with due credit to Massachusetts on the books, to offset the liability which the State incurs. If any of these passengers become subjects of public charity, wherever they may be, this fund is liable to be drawn upon to maintain them. Whenever it shall be exhausted, if it so happen, the treasury of Massachusetts will be liable, but the State may at any time relieve itself of the burden by sending the pauper back to Ireland. The first lot of assisted passengers coming to this port arrived in the Phœnician on her previous voyage, April 3. The arrival of yesterday makes the fifth lot. The following table indicates the general facts of this immigration:

Description.	Phœnician, April 3.	Nestorian, April 15.	Canadian, April 28.	Austrian, May 1.	Phœnician, May 10.
Assisted passengers	213	554	511	129	415
Of fifteen years or less	85	248	224	49	196
From fifteen to twenty-five years	68	165	139	49	101
From twenty-five to fifty years.	45	97	116	24	91
Above fifty years	18	34	41	7	27
Males	123	267	270	66	205
Females	90	287	241	63	210
Families	44	81	76	17	64

Before closing, I will ask your permission to be allowed publicly to express to his excellency the lord-lieutenant, Mr. R. G. Hamilton, and Mr. Henry Robinson the deep sense of our gratitude for the unvarying kindness and assistance which they have at all times accorded to those who, like myself, have been engaged in the practical carrying out of this responsible work, and the warm interest which they have evinced has materially aided a work often both arduous and difficult. The experience of the past three or four months has more than ever confirmed the opinion that a carefully considered system of State-aided emigration is essential for the districts under consideration in the West of Ireland, and not less absolutely needed are measures for the development of the resources of these districts, if the prosperity of the whole Government and its good government are to be permanently secured.

I am, &c.,

JAMES H. TUKE.

No. 235.

Mr. Lowell to Mr. Frelinghuysen.

No. 574.] LEGATION OF THE UNITED STATES,
London, July 2, 1883. (Received July 14.)

SIR: Referring to my No. 563, of the sixth of June last, I have the honor to acquaint you that on the 26th of June last I addressed a note to Lord Granville, requesting him to appoint an hour this, the 2d day of July, when he would receive me at the foreign office in order to

accept the notice which I was instructed to give to day of the termination of certain articles of the treaty of May 8, 1871.

On the 28th of June last I received a reply from Lord Granville, saying that he would receive me at 3 o'clock to-day at the foreign office.

I accordingly went to the foreign office at the hour indicated, and delivered to Lord Granville personally the notice which was directed by the joint resolution of the Congress of the United States, approved March 3, 1883, to be given to Her Majesty's Government of the termination of Articles XVIII to XXV, inclusive, and Article XXX of the treaty between the United States and Great Britain of May 8, 1871.

I have informed you to day by telegraph of my action in the matter.

I herewith inclose copies of the correspondence above mentioned and of the notice.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 574.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
June 26, 1883.

The minister of the United States presents his compliments to the right honorable the Earl Granville, Her Majesty's secretary of state for foreign affairs, and requests that his lordship will kindly appoint an hour on Monday, July 2 next, when he will receive Mr. Lowell at the foreign office, in order to accept the notice which Mr. Lowell is instructed to give on that day of the termination of certain articles of the treaty of May 8, 1871.

[Inclosure 2 in No. 574.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *June* 28, 1883.

Earl Granville, Her Majesty's principal secretary of state for foreign affairs, presents his compliments to Mr. Lowell, the minister of the United States, and in reply to his letter of the 26th instant, begs leave to say that he will have much pleasure in receiving Mr. Lowell at the foreign office at 3 p. m. on Monday, July 2.

[Inclosure 3 in No. 574.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, July 2, 1883.

MY LORD: Referring to my note to your lordship of the 18th of April last, and to your lordship's reply of the 27th of the same month, I have the honor to recapitulate the statements I made in that note to the following effect: That I received on the said 18th of April a dispatch from Mr. Frelinghuysen, inclosing a copy of a joint resolution of both houses of Congress of the United States, providing for the termination of certain articles of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871, which articles, under the protocol signed June 7, 1873, took effect on the 1st day of July, 1873, and by the terms of the original treaty, are subject to termination by either party on two years' notice, given at the expiration of ten years from July 1, 1873. This resolution, which was approved March 3, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty of May 8, 1871, will terminate and be of no force on the expiration of two years next after the time of giving

such notice, which the President is further directed to give on the 1st day of July, 1883, or as soon thereafter as may be.

I am, therefore, instructed by the President of the United States to comply with the directions of Congress in this matter as set forth in the resolution, by giving the notice required; and as the 1st day of July falls on Sunday, I am further instructed to give this notice on the succeeding day.

I do, therefore, this 2d day of July, in the year 1883, on behalf of the President of the United States, hereby give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles numbered XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the treaty of May 8, 1871, between the United States of America and Her Britannic Majesty, will terminate and be of no force on the expiration of two years next after the time of giving notice.

I have, &c.,

J. R. LOWELL.

No. 236.

Mr. Lowell to Mr. Frelinghuysen.

No. 580.] LEGATION OF THE UNITED STATES,
London, July 5, 1883. (Received July 19.)

SIR: Referring to my No. 573, of the 30th ultimo, I have the honor to report that when I called upon Lord Granville, by appointment, at the foreign office, on the 2d instant, he put into my hands a number of letters illustrative and confirmatory of the statement of Lord Spencer, a copy of which was inclosed in the dispatch referred to above. These letters were addressed to certain State-aided emigrants, and I cite those only relating to persons who have been ordered to be sent back as paupers, and whose names I find in a telegraphic dispatch to the Telegraph of July 3. These are Mary Brennan and her daughter, John and Mary Clifford, and John Sullivan. To Mary Brennan, her son Patrick writes from New York, March 16, 1883, promising a home and to meet her on her arrival. To John and Mary Clifford, a letter dated 533 West Twenty-sixth street, New York, April 26, 1883, from cousin Mary Reardon, offers employment in her own house. A letter to Mary Sullivan, mother of John, from her daughter, Mary McSweeney, dated Cuba Falls, March 20, 1883, strongly encourages her to come, promising a home and to procure employment. All these letters are in the original covers, with stamps and post-marks, and there can be no doubt of their authenticity.

I have, &c.,

J. R. LOWELL.

No. 237.

Mr. Lowell to Mr. Frelinghuysen.

No. 587.] LEGATION OF THE UNITED STATES,
London, July 14, 1883. (Received July 24.)

SIR: I have the honor to inclose two cuttings from the Times newspaper of July 11, containing a report of the debate in the House of Commons on a resolution moved by Mr. Chaplin with respect to the importation of cattle into the United Kingdom. The resolution was opposed by the Government, but carried in a full house by a majority of eight. In this majority were included thirty members who usually support the Government.

The result of the vote will probably be that all countries in which the laws for the extinction of disease and the inspection of animals to be exported are either not comprehensive and severe enough or not rigidly enough enforced to satisfy the demands of the privy council, will be put under an interdict. French cattle are already excluded, and those from Germany would have been but for the vigorous measures at once put in force by Prince Bismarck, alarmed by a threat of exclusion.

I feel warranted in saying that Mr. Chaplin's resolution is not an attempt at protectionism in disguise, but rather expresses the well-grounded apprehensions of cattle-breeders here, who have suffered and are suffering great losses by the importation of the disease, as they believe, from abroad.

I can add nothing to what I have hitherto said as to the great importance of a system of inspection independent of the possible variation, whether in the provisions or the enforcement of local law, with inspectors of acknowledged scientific competence and personal character, and which should be enforced strictly enough to satisfy the demands of public opinion as well as the Government here.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 587.—Extract.]

Cutting from the Times of July 11, 1883.

Mr. Chaplin said that he rose to call attention, for the second time during the present Parliament, to the continued prevalence of the foot-and-mouth disease in various parts of the country, and to the grievous injury it had inflicted, not only upon those who were more immediately engaged in the pursuit of agriculture, but also on the interests of the community at large; * * * and concluded by moving, "that this house desires to urge on Her Majesty's Government the importance of taking effectual measures for the suppression of foot-and-mouth disease throughout the United Kingdom, and it is of opinion that, while for this purpose it is necessary that adequate restrictions, under the powers vested in the privy council, should be imposed on the movements and transit of the cattle at home, it is even more important, with a view to its permanent extinction, that the landing of foreign live animals should not be permitted in future from any countries as to which the privy council are not satisfied that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of animals which are diseased."

No. 238.

Mr. Frelinghuysen to Mr. Lowell.

No. 634.] DEPARTMENT OF STATE,
Washington, July 18, 1883.

SIR: With reference to the instruction No. 562, of the 31st of March last, of this Department to you concerning the Venezuela debts, I now inclose * herewith for your information a copy of a note from Count Hatzfeldt, the minister of foreign affairs of Germany, in which he states that the imperial German Government will agree to whatever the other nations interested approve, with due regard to its treaty rights.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

* For inclosure see inclosure to document No. 203, under Germany, *ante*.

No. 239.

Mr. Lowell to Mr. Frelinghuysen.

No. 591.] LEGATION OF THE UNITED STATES,
London, July 20, 1883. (Received August 2.)

SIR: Referring to your instruction No. 617, of the 26th ultimo, and to previous correspondence on the subject of the treatment of American missionaries in Bulgaria, I have the honor to transmit herewith the copy of a dispatch from Her Majesty's agent and consul-general at Sofia, with regard to American Protestant schools in that country, which I have just received from Lord Granville.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 591.]

Mr. Lascelles to Lord Granville.

No. 49.] SOFIA, *June* 20, 1883.

MY LORD: In a conversation which I have recently had with General Kaulbars, the president of the council of regency, his excellency alluded to the religious propaganda which was being carried on by the American Protestant schools in Bulgaria. He had recently had occasion to witness the discontent which prevailed at Samakov with regard to the religious teaching of the American school established there. The teachers were avowedly missionaries, and made no secret of their wish to inculcate their religious opinions upon their pupils, and he could assure me as a matter of fact that the pupils were all compelled to attend the Protestant services, although the majority of them belonged to the orthodox religion. The consequence was that on leaving school the pupils had become Protestants, and this gave rise to discord in their families, which created a danger for the state. Bulgaria was still in the days of her infancy, and it was necessary to encourage a sentiment of patriotism. This was only possible by a system of uniformity in religious education.

I observed that, although I understood that the American missionaries left liberty to their pupils with regard to their religious observance, I had no doubt that they would gladly impart to any who were willing to receive them the religious beliefs of the truth of which they were themselves convinced. It appeared to me, however, that any interference with the schools on account of their religious instruction would be a violation of religious liberty, and that the remedy would be to persuade the parents to discontinue sending their children to American schools.

His excellency replied that religious liberty should not be employed for the purpose of stirring up discord in the family and the state. It was impossible for the authorities to exercise any pressure upon the parents, who were naturally anxious to secure the best possible education for their children, and there was no doubt that the Bulgarian schools would not be able for a long time to compete in this respect with the American schools. It was, however, intolerable that the children of orthodox parents should be prevented from receiving instruction in the religion of their fathers, and he could assure me as a fact that at Samakov such children had been compelled against their will to attend the Protestant church for three or four hours. It was, moreover, not a question of religious liberty. Any Bulgarian was at liberty to profess any religion he pleased, but it was only reasonable to insist that the schools established in the principality should be required to give instruction in the orthodox faith, which was the religion of the state. His excellency reminded me that the popular discontent against the American missionaries at Sistova had reached such a point that it was with difficulty that a popular rising was prevented.

To this I replied that it would be impossible for Protestant missionaries to consent to religious instruction in any faith except their own being given in their schools. With regard to the closing of the American schools at Sistova, I had done my best to arrive at an amicable settlement of the question, but my endeavors had failed, and the matter had now been submitted to the United States minister at Constantinople, who, I understood, intended to bring it to the notice of the great powers.

General Kaulbars having expressed the wish that I should communicate to your lordship the observations he had made to me, I said that I should consider it my duty to do so, but that I should not conceal from him that I did not think it probable that his opinion would be shared by Her Majesty's Government.

I have, &c.,

FRANK C. LASCELLES.

No. 240.

Mr. Frelinghuysen to Mr. Lowell.

No. 640.] DEPARTMENT OF STATE,
Washington, July 25, 1883.

SIR: The United States commercial agent at Woodstock, New Brunswick, has recently forwarded to this Department a complaint under oath of Mr. John D. Baird, a citizen of the United States and resident of Bridgewater, Me., stating that a British firm, Hale & Murchie, who own a lumber mill at Woodstock, and are extensively engaged in the logging and lumber trade, have constructed a boom in the Saint John River immediately north of that town, and that for more than a mile of the stream they occupy it from bank to bank with their spring cut of logs, completely obstructing the passage of rafts, loose logs and boats to their destination at Woodstock and points south of that place, to the great inconvenience and serious loss and damage of the man who complains, and all others engaged in the logging business in the Saint John and its tributaries north of Woodstock. Mr. Baird, at the date of his complaint (5th ultimo), had in the river north of this obstruction a raft of logs containing a million and a half feet, valued at $12,000, all cut in Aroostook County, Maine, and rafted on the Meduxnikeag, a tributary of the Saint John; this raft, as he states, was engaged under contract to be delivered at Woodstock, but, owing to the obstruction referred to, he found himself unable to get the logs to their destination, and he adds the practice is kept up yearly by Messrs. Hale & Murchie, to the great injury of himself and other citizens of the United States engaged in the same business. Mr. Baird's statements are supported by a statement numerously signed by resident business men of Woodstock and of Houlton, Me. I transmit a copy of two documents. If the facts as presented are correctly stated, the matter is one that certainly affords just grounds of complaint, and the proceedings of Messrs. Hale & Murchie appear to be clearly in contravention of the rights and privileges secured to citizens of the United States in common with the people of New Brunswick by the stipulations of the third article of the treaty of 1842.

You will therefore take early occasion to bring the subject to the attention of Earl Granville, with a view to the adoption of such measures by Her Majesty's Government as may be deemed proper and effective to remedy the existing evil and prevent any recurrence of it in the future. The question assumes additional importance from the fact that the incident which gives rise to it occurred on the common boundary between the United States and Her Majesty's North American dominions, and if left unheeded might lead to angry controversies between the people on either side of the lines.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 640.]

Mr. Baird to Mr. Frelinghuysen.

WOODSTOCK, *June* 5, 1883.

A statement of facts connected with John D. Baird's (of Bridgewater, Me.,) drive of spruce logs, containing one and a half millions (valued at $12,000), from headwaters of Meduxnikeag stream, down to river Saint John at Woodstock, New Brunswick, this lumber having been cut on Letter D. Town, Aroostook County, State of Maine, United States, and en route to its constructive destination, A. Gibson, esq., Fredericton, New Brunswick.

The drive arrived at Woodstock June 1, 1883, found the stream there and passageway obstructed by solid jam of spruce logs for a mile or more, extending up the stream from the town and local boom for accommodation, sorting logs for mills there, owned by Hale & Murchie, which jam of logs containing millions, and owned by them, is yearly allowed, after being driven in the spring, to remain above said boom and sorting place, instead of being put through, and thus occupying the whole of said stream from shore to shore, to the complete exclusion of all loose lumber, rafts, boats, or other property seeking a water conveyance down the stream; and that the said Hale & Murchie do yearly occupy the said stream in like manner, until they saw and remove the same at their own convenience during the summer, and that such usage has been a source of great loss and serious discomfort to myself heretofore and other American operators in getting their drives through into the river Saint John, in many cases ending ruinously, and in others so injuring as to deter them from operating there again, which seems to be the object sought by said Hale & Murchie; the local boom act governing, made in 1874, and of which said Hale is president, is by them used obstructively and utterly inconsistent with the Washington treaty and spirit thereof, subjecting American operators to heavy expense and detention of large drives passing through, and endangering the delivery and value thereof during the short period of freshet. And that whereas the treaty has given to American citizens free and unrestricted right to pass along with lumber and other products this tributary of the Saint John, we do not feel justice is meted out to us or can be obtained if left alone under local laws *here* to obtain it, with local prejudice, Boom Company, mill-owners, and employers to contend against, and that the boom act in its provisions and omissions shows great inconsistency with the treaty act, no provision being made compelling Hale & Murchie or others to remove their logs out of the channel above boom into side booms made and provided, but to arbitrarily occupy the whole as they now do for a mile or more above said boom, and that the said John D. Baird, now aggrieved and like to be ruinously dealt with, feels in his urgent necessity called upon to claim protection of Government, feeling they will not allow or subject its citizens to stop and damage by such invasion of their rights.

That the drive now spoken of, lying in rear of Hale & Murchie's jam of logs, is likely to get aground and remain there for a year, subject to stop depreciation and damage of various kinds, or turned out by them to take the chances of an ice freshet next spring, and that the detention is costing the said Baird heavily, and that the said Hale & Murchie, though called on to open a channel, will not do so, but say if I want a channel I must put on men and make one myself, and that they have not any one day put on more than six men, or just enough to stand on the boom and pass their logs in; I having to do all the work on the jam with my men, *they*, when not occupied, *sitting down*, claiming the gap and boom across was their limit. So that unless I make a channel myself through the whole length of their logs up into my own, at great expense, and then drag my drive through (the water permitting), and contending with them all the way, I might as well abandon it. Therefore seek such assistance from Government as in your power, and the urgency of my case demands.

JOHN D. BAIRD.

PROVINCE OF NEW BRUNSWICK,
Dominion of Canada, to wit:

Be it remembered that, on the 7th day of June, A. D. 1883, personally came and appeared before me, George Connell, a notary public duly commissioned and sworn, and practicing at Woodstock, county of Carleton, John D. Baird, the person named in the foregoing document marked A, who signed the same in my presence, being duly sworn before me, stated that the facts and statements in said paper are true.

Sworn to at Woodstock, county of Carleton, Province of New Brunswick, 7th June, 1883.

[SEAL.]

GEO. CONNELL,
A Commissioner for taking affidavits in the Supreme Court, and Notary Public, Province of New Brunswick.

[Inclosure 2 in No. 640.]

Petition of Francis P. Sharp and others.

Hon. F. T. FRELINGHUYSEN,
Secretary of State, Washington:

The petition of the undersigned showeth, that your petitioners living at Woodstock, N. B., and at Houlton, Me., United States, and in vicinity of Meduxnikeag River and tributaries, a river heading in United States territory (Aroostook County), and thence passing through Houlton, Me., into river Saint John at Woodstock, N. B., and that this large water-power as a carrier of lumber and other products is of great importance to the extensive country and towns through which it passes, more especially to citizens of the United States as owners of timber lands and mills, operators in lumber, stream-drivers, &c., and that the free and unobstructed passage-way of the same (consistent with other interests in milling) is of first importance to the inhabitants and all those interested therein. But, that owing to non-observance of Ashburton treaty rights guaranteed, piers of wood unnecessarily obstruct the passage-way at Woodstock, N. B., and mill-owners there allow large masses of logs to remain in bed of stream for miles above the mills, effectually closing up the channel until the same is sawed out through the summer. And as those obstructions are noted and continuous, and of a nature too difficult and expensive for single individuals to remove, now call on the United States Government as most interested for the benefit of its citizens to take such action under the treaty of Washington as will lead to a removal and final adjustment of the same, and more especially at this time, as a drive of American logs considerable in amount and value, being obstructed at high water in getting through, now remains there, subjecting the owner to serious stop and damage, and that the large value in timber lands predicated on the right of removal by said waters is seriously affected.

Therefore pray your earnest attention to the matter herein set forth.

FRANCIS P. SHARP,
[And forty-five other signatures.]

No. 241.

Mr. Davis to Mr. Lowell.

No. 648.] DEPARTMENT OF STATE,
Washington, August 7, 1883.

SIR: With reference to your No. 580, and to the correspondence therein indicated respecting state-aided emigration from Ireland, I inclose copy of a letter from the Secretary of the Treasury, dated the 4th instant, containing the result of an investigation conducted by the board of emigration of the State of New York into the circumstances attending the arrival at that port of certain persons specially cited by Lord Granville at your interview, in illustration that those who had been helped to depart had friends and relatives here to receive and care for them on their arrival.

The report includes the affidavit of the parties, and of an officer who endeavored unsuccessfully to find the persons who had apparently invited the immigration, and announces that under the circumstances these destitute and helpless folks were reshipped to their native country.

Inasmuch as Lord Granville frankly imparted to you the documentary evidence upon which the commission had felt justified in aiding the departure of these individuals, it seems proper for you to explain to him the failure of any friends to appear and receive them here, and the consequent necessity of the port authorities to return the immigrants after a reasonable delay and an unavailing effort to discover those upon whom it had been believed they could depend.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure 1 in No. 648.]

Mr. French to Mr. Frelinghuysen.

TREASURY DEPARTMENT, *August* 4, 1883. (Received August 5.)

SIR: Referring to the letter of the Acting Secretary of State, dated the 25th ultimo, transmitting a copy of dispatch No. 580 from Mr. Lowell, the American minister at London, relative to certain state-aided emigrants sent back to Ireland from New York, but who, as alleged, would have been provided for in this country had they been allowed to land, I have the honor to transmit herewith a communication, dated the 2d instant, from Mr. H. J. Jackson, secretary of the board of commissioners of emigration at New York, together with one original affidavit and copies of four affidavits bearing upon the points raised in Mr. Lowell's dispatch.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

[Inclosure 2 in No. 648.]

Mr. H. J. Jackson to Mr. French.

CASTLE GARDEN, NEW YORK, *August* 2, 1883.

SIR: I am directed by the commissioners of emigration to acknowledge the receipt of your letter of the 28th of July, which, owing to a mistake in the delivery thereof, reached this office but to-day.

In reply to dispatch No. 580, addressed by the American minister in London to the Department of State, we send herewith copies of the affidavits made by Mary Brennan and her daughter, Mary Lynch, also by Mary Clifford and Nan Sullivan, in which they state that they have no relatives in the United States willing and able to aid them, also expressing their willingness to return to Ireland. These persons were at the emigrant-landing depot, Castle Garden, from June 24 to June 30, and their statements were published in many newspapers throughout the country, yet no one came here to offer them employment or a home.

They were returned to Ireland at the expense of the steamship company that brought them, on an order from the collector of the port to the consignees, based on the report made to him by the commissioners of emigration to the effect that, in their opinion, the said persons were unable to take care of themselves without becoming a public charge.

As to the relatives of these persons said to have been willing to take charge of them, I beg to report that no address is given of Patrick Brennan, and we have been unable to find him.

We inclose to you the affidavit of Detective Officer Groden, to the effect that Mary Reardon referred to does not reside at No. 533 West Twenty-sixth street, New York. We find no post-office or railroad station named "Cuba Falls," but a dispatch sent to Mary M. Sweeney, Cuba, Alleghany County, New York, has been returned unclaimed.

Very respectfully,

H. J. JACKSON,
Secretary.

[Inclosure 3 in No. 648.]

Affidavit of Peter Groden.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Peter Groden, being duly sworn, deposes and says: That he is a detective connected with the municipal police of the city of New York, and that he made inquiries at No. 533 West Twenty-sixth street, New York City, and in the immediate neighborhood thereof, and could find no person by the name of Mary Reardon, or any one else in the house No. 533 West Twenty-sixth street that knew her. And that deponent spoke to several persons who reside in said house, who replied that they never heard of any letters having been written to John and Mary Clifford.

PETER GRODEN.

Sworn to before me this 2d day of August, 1883.

OTTO HEINZMAN,
Notary Public, New York.

[Inclosure 4 in No. 648.]

Affidavit of Mary Brennan.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Brennan, being duly sworn, deposes and says: That she is a native of Cahirciveen, county of Kerry, Ireland, and arrived at the port of New York, June 24, 1883, per steamship Furnessia, from Liverpool, via Valencia, Ireland. That she* has two children with her, aged 17 and 5¼ years, respectively, who are illegitimate; that she has been an inmate of the workhouse in Cahirciveen, county Kerry, Ireland, almost for the last twenty years; the last time two years consecutively; that her oldest child for the last year earned her own living as servant; that her and her children's passage was paid to New York by the clerk of the union, Michael J. Driscoll, who also gave her money-order for £3 10*s.* sterling on Henderson Brothers, 7 Bowling Green, New York City, agents of the above vessel; that she has no relatives or friends in America —says she has a son who is a British soldier stationed in Canada.

her
MARY × BRENNAN.
mark.

Sworn to before me this 25th day of June, 1883.

THOMAS McQUADE,
Notary Public, New York.

[Inclosure 5 in No. 648.]

Affidavit of Mary Lynch.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Lynch, being duly sworn, deposes and says: That she is a native of Cahirciveen, county Kerry, Ireland, and arrived at the port of New York June 24, 1883, per steamship Furnessia, from Liverpool via Valencia, with her mother, Mary Brennan, their passages having been paid by the English Government. That deponent suffers from chronic throat disease, which at intervals renders her for weeks unable to work; that she believes she cannot make a living for herself in the United States, and desires to return with her mother to Ireland. That deponent is sixteen years old, and was, the greater part of her life, an inmate of Cahirciveen workhouse.

MARY LYNCH.

Sworn to before me this 30th day of June, 1883.

WILLIAM CONNOLLY,
Notary Public, New York.

[Inclosure 6 in No. 648.]

Affidavit of Mary Clifford.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Clifford, being duly sworn, deposes and says: That she is a native of Cahirciveen, county Kerry, Ireland, and arrived at the port of New York June 24, 1883, per steamship Furnessia, from Liverpool via Valencia, with her two illegitimate children, aged respectively four and two years. That she has been for five years an inmate of Cahirciveen workhouse. That she did not desire to come to the United States, but was forced to emigrate by the board of guardians of the poor, under threat of expulsion from the workhouse if she refused. That she was given free passage to New York by the English Government, and a draft for one pound ten shillings, on Henderson Bros. That the master of the workhouse, Jeremiah Galvin, took deponent and

* Mary Lynch.

children to Valencia to put them on board the ship. That she has no hope of being able to make a living for herself and children in this country, and wishes to be sent back to Ireland.

her
MARY × CLIFFORD.
mark.

Sworn to before me this 25th day of June, 1883.

WILLIAM CONNOLLY,
Notary Public, New York.

[Inclosure 7 in No. 648.]

Affidavit of Nano Sullivan.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Nano Sullivan, being duly sworn, deposes and says: That she is a native of Cahirciveen, county of Kerry, Ireland, and arrived at the port of New York June 24, 1883, per Steamship Furnessia from Liverpool, via Valentia, Ireland. That she has her illegitimate child (John) with her, aged three years; that she has been an inmate of the workhouse in Cahirciveen, county Kerry, Ireland, for the last three years; that she did not want to come to America, and on her so stating was told by Mr. O'Neil, one of the guardians of said workhouse, that if she did not she would be put out of the institution; that she wanted to leave her child with her married sister who was willing to care for it, but was not allowed to do so; that herself and child's passage was paid by Michael J. Driscoll, clerk of the union, who also gave her money-order for £1 sterling on Henderson Brothers, 7 Bowling Green, New York City, agents of above vessel; that she has no relatives or friends in America; that she wants to be sent back to Ireland.

her
NANO × SULLIVAN.
mark.

Sworn to before me this 25th day of June, 1883.

THOMAS McQUADE,
Notary Public, New York.

No. 242.

Mr. Adee to Mr. Lowell.

No. 653.] DEPARTMENT OF STATE,
Washington, August 20, 1883.

SIR: Referring to your No. 587, of July 14 last, in which you state as your opinion that a resolution which recently passed the House of Commons indicates that the British Government will adopt the policy of interdicting the importation of cattle from all countries in which the laws governing the prevention of cattle diseases, and of inspection, are not judged sufficiently severe, I have to inclose herewith a letter, dated the 1st instant, from the Acting Secretary of the Treasury, inclosing a report on the subject of the "foot-and-mouth disease,"* made by the United States Treasury Cattle Commissioners, in which it is stated that the disease does not prevail among the cattle of the American herds.

I will thank you to bring the substance of the report to the attention of Lord Granville at an early day.

I am, &c.,

ALVEY A. ADEE,
Acting Secretary.

---

* See inclosure 4 in instruction No. 675 to Mr. Lowell, page 457.

No. 243.

Mr. Adee to Mr. Lowell.

No. 654.] DEPARTMENT OF STATE,
Washington, August 22, 1883.

SIR: With reference to your dispatch No. 591, of the 20th ultimo, transmitting a copy of a communication from the agent and consul-general of the British Government at Sofia, reporting his action in endeavoring to secure an amicable settlement of the difficulties between the American missionaries and the Bulgarian authorities at Sistova, I have to request you to convey to proper quarter the thanks of this Government for the friendly and generous course of Her Majesty's agent and consul-general at Sofia in relation to this matter.

I am, &c.,

ALVEY A. ADEE,
Acting Secretary.

No. 244.

Mr. Lowell to Mr. Frelinghuysen.

[Extract.]

No. 615.] LEGATION OF THE UNITED STATES,
London, August 28, 1883. (Received September 13.)

SIR: I have the honor to acquaint you that I received on the 23d instant from Lord Granville a note, a copy of which I inclose herewith, * * * in which he inquires whether Her Majesty's Government correctly understand the intention of the United States Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the articles recited in the notice which relate to the Dominion of Canada, treaty of 1871.

It seems to me that the protocol of the conference held by the Secretary of State and the British minister May 28, 1874 (see supplement of the Revised Statutes, Vol. I, p. 622), and recited in the proclamation of the President May 29, 1874, sufficiently declares that the articles from 18 to 25 inclusive, and Article XXX of the treaty shall take effect, so far as Newfoundland is concerned, in accordance with Article XXXIII, and I should think, therefore, that the notice under Article XXXIII of the termination of the first-mentioned articles must apply by implication to Newfoundland as well as to the Dominion of Canada.

I have thought it better, however, not to discuss the question with his lordship, but to refer his inquiry to the Department of State. I herewith inclose copy of my reply.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 615.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *August* 22, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 2d ultimo, in which you give notice that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the treaty of May 8, 1871, between Great Britain

and the United States, will terminate and be of no force on the expiration of two years next after the date of the said notice.

In accepting this notice on behalf of Her Majesty's Government, I have the honor to inquire whether Her Majesty's Government correctly understand the intention of the United States Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the articles recited in the notice, which relate to the Dominion of Canada.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 615.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, August 23, 1883.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of yesterday, in which you inquire whether in accepting the notice which I have given to Her Majesty's Government, under the instructions of the Department of State, that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the treaty of May 8, 1871, between the United States and Great Britain, will terminate and be of no force on the expiration of two years next after the date of said notice. Her Majesty's Government correctly understands the intention of the United States Government to be, that the provisions of Article XXXII which relate to Newfoundland shall cease to be in force and operation at the same time as the articles recited in the notice which relate to the Dominion of Canada.

I beg to state, in reply, that I have transmitted your lordship's inquiry to the Department of State, and shall have the honor of addressing your lordship another communication on the subject as soon as I receive an answer.

I have, &c.,

J. R. LOWELL.

No. 245.

Mr. Hoppin to Mr. Frelinghuysen.

No. 625.] LEGATION OF THE UNITED STATES,
London, September 24, 1883. (Received October 8.)

SIR: I have the honor to acquaint you that I received on the 21st instant from the vice-consul-general a note inclosing a letter from W. H. Russell, the deputy governor in charge of Millbank Prison in this city, addressed to the "American consul," to the effect that Michael or Patrick O'Donnell, a prisoner in the custody of the deputy governor, under remand from Bow street police court, charged with the murder of J. Carey, had stated that he was an American citizen and had papers in the hands of the metropolitan police to prove his citizenship. Mr. Russell added that O'Donnell was most anxious to have a solicitor appointed to undertake his defense, and as he (the prisoner) was unable to write he had asked Mr. Russell to inform the consul of the above and request him to instruct some one to defend O'Donnell. He further stated that the prisoner had no friends in England.

The vice-consul-general submitted this letter to me, as presenting a case which did not fall within his official duties. I immediately caused inquiries to be made at Scotland Yard, and the next day, the 22d instant, Inspector Littlechild called at the legation and placed in my hands a mutilated paper which had been found upon the prisoner, and which seemed to be an original certificate from the probate court of Lawrence County, Ohio, at Ironton, dated November 6, 1876, to the effect that Patrick O'Donnell had been duly naturalized as a citizen of

the United States, Michael McGinley and Hugh Lugan having appeared as witnesses to his residence and character.

I thereupon addressed a letter to the deputy governor of Millbank Prison, stating that it appeared by papers in the hands of the police that Patrick O'Donnell was a citizen of the United States, but that the fact of the prisoner's Christian name being uncertain threw some doubt upon his identity with the person to whom the certificate had been granted.

I added that, supposing the prisoner's citizenship had been established, I did not consider it to be the duty of the United States Government under ordinary circumstances to provide professional legal assistance for one of its citizens accused of crime in Great Britain, even if he were destitute of means, and that there seemed to be nothing in this case to make it an exception. I stated, also, that I was informed by the public journals that a considerable amount of money had been subscribed by O'Donnell's friends to provide for his defense; and finally, that under these circumstances, I must decline to accede to his wishes to instruct some one to defend him, except under directions from the Department of State.

I inclose a copy of this correspondence.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 625.]

Mr. Mitchell to Mr. Lowell.

UNITED STATES CONSULATE-GENERAL,
11. ABCHURCH LANE, KING WILLIAM STREET,
London, E. C., September 20, 1883.

SIR: I beg to inclose herewith a letter addressed to this consulate-general by W. H. Russell, deputy governor in charge, Millbank Prison, S. W., on the part of Michael or Patrick O'Donnell, who is charged with the murder of J. Carey.

The case presented by the letter is clearly one that does not fall within the scope of the duties of his office, and is therefore most respectfully submitted to you for consideration.

I am, &c.,

L. H. MITCHELL,
Vice and Deputy Consul-General.

[Inclosure 2 in No. 625.]

W. H. Russell to the American consul.

MILLBANK PRISON, S. W.,
September 19, 1883.

SIR: Michael or Patrick O'Donnell, the prisoner now in my custody under remand from Bow street police court, charged with the murder of J. Carey, states that he is an American citizen, and has papers in the hands of the metropolitan police to prove his citizenship.

He is most anxious to have a solicitor appointed to undertake his defense, and as he (the prisoner) is unable to write, he has asked me to inform you of the above, and request you to instruct some one to defend him. The prisoner has no friends in England.

I have, &c.,

W. H. RUSSELL,
Deputy Govenor in charge.

[Inclosure 3 in No. 625.]

Mr. Hoppin to Mr. W. H. Russell.

LEGATION OF THE UNITED STATES,
London, September 22, 1883.

SIR: The vice-consul-general of the United States has referred to me your letter of the 19th, in which you inform him of the anxiety of the prisoner Michael or Patrick O'Donnell, charged with the murder of J. Carey, and claiming to be an American citizen, to have a solicitor appointed to undertake his defense, and requesting the consul to instruct some one to defend him. You add that the prisoner has no friends in England.

I have examined the papers in the hands of the police and they seem to show that one Patrick O'Donnell became a naturalized citizen of the United States on November 6, 1876.

But the fact that the prisoner in this case appears by your letter to have an uncertain Christian name, either Michael or Patrick, throws some doubt upon his identity with the person named in the certificate of naturalization.

Admitting his citizenship, however, to be established, I do not consider that it is the duty of the Government of the United States, under ordinary circumstances, to provide professional legal assistance for one of its citizens accused of crime in Great Britain, even when such citizen is destitute of means. There seems to be nothing in this case to make it an exception.

I am informed, furthermore, by the public journals, that a considerable amount of money has been subscribed by Mr. O'Donnell's friends to provide for his defense.

Under these circumstances I must decline to accede to his wishes to instruct some one to defend him, except under directions of the Department of State.

I am, &c.,

W. J. HOPPIN,
Chargé d'Affaires ad interim.

No. 246.

Mr. Frelinghuysen to Mr. Lowell.

No. 675.] DEPARTMENT OF STATE,
Washington, October 1, 1883.

SIR: I inclose herewith a copy of a letter addressed to this Department by the Acting Secretary of the Treasury, in relation to a statement alleged to have been made recently in the House of Commons by Mr. Dodson, chancellor of the duchy of Lancaster, to the effect that the American quarantine system in relation to cattle diseases gives no security against the conveyance of disease by men attached to quarantine stations and by articles taken out of quarantine yards, and that the system takes into consideration only the animals themselves. You will observe that the Acting Secretary of the Treasury calls attention to the report of the Treasury Cattle Commission of the 21st ultimo, in regard to the foot-and-mouth disease among the cattle of the United States, which, while it admits that this disease did exist in herds of cattle imported from Great Britain, emphatically denies its present existence among the cattle of this country.

I will thank you to lose no time in calling the attention of the foreign office to the statements contained in the inclosed copy of the letter of the Treasury Department on this subject; and in so doing you will communicate copies of the circulars accompanying that letter, and invite the special attention of Her Majesty's Government to the stringent regulations governing the quarantine of cattle which are thereby established.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 675.]

Mr. French to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
August 20, 1883. (Received August 22.)

SIR: I have the honor to inclose herewith a newspaper slip containing a telegraphic dispatch from London, England, in which it is alleged that Mr. Dodson, chancellor of the duchy of Lancaster, stated on the 17th instant, in the House of Commons, that it was an undoubted fact that the foot-and-mouth disease in cattle had been carried from England to America, and that the American quarantine system in relation to cattle diseases gave no security against the conveyance of disease by men attached to quarantine stations and by articles taken out of the quarantine yards, and that the system took into consideration only the animals themselves. I deem it due to American interests to state that if the honorable gentleman named made the remarks attributed to him, it must have been done without a knowledge of all the facts in the case, and that in some respects such remarks are calculated to mislead the public mind on the subject.

Attention is called to the inclosed report of the Treasury Cattle Commission, dated the 21st ultimo, in regard to the foot-and-mouth disease among the cattle of the United States. While it is admitted that this disease did exist in herds of cattle imported from Great Britain, the Commission gives an emphatic denial to the present existence of the disease among the cattle of the United States. This statement is considered important because it might be inferred from the remarks of Mr. Dodson as quoted, that the disease which had thus been imported from Great Britain had not been eradicated. Ample quarantine stations exist in the districts of Boston, Mass., and Portland, Me., and as no contagious or infectious diseases among the cattle of those States exist, the possibility of these diseases being communicated to our cattle by cattle arriving at those ports (which are the only ports on the New England frontier where cattle are allowed to be quarantined) is quite remote. I call special attention to the stringent regulations governing the quarantine of cattle, herewith inclosed, which go far beyond the scope contemplated in the remarks attributed to Mr. Dodson.

I think if these regulations are properly carried out, as I assume they will be, they will prove sufficient to guard against the introduction of contagious diseases by the importation of foreign cattle at the ports where quarantine is established.

I have the honor to request that a copy of this letter and of its inclosures be sent to the British minister at this Capital for the information of his Government.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

[Inclosure 2 in No. 675.—Newspaper extract.]

Carrying cattle disease to America.

LONDON, *August* 17.

Mr. Dodson, chancellor of the duchy of Lancaster, stated this afternoon in the House of Commons, in response to an inquiry by Mr. Duckham, that it was an undoubted fact that the foot-and-mouth disease had been carried from England to America. He said that the Canadian cattle now suffering with the disease at Bristol had been in contact at Liverpool with infected animals which came from Ireland. He pointed out, however, that the American quarantine system in relation to cattle diseases gave no security against the conveyance of disease by men attached to the quarantine stations and by articles taken out of the quarantine yards. The system, he said, only took into consideration the animals themselves.

[Inclosure 3 in No. 675.—Circular.]

Regulations governing the treatment and quarantine of imported cattle.

[1883.—Department No. 76, Secretary's Office.]

TREASURY DEPARTMENT,
Washington, D. C., June 8, 1883.

To collectors and other officers of the customs:

1. All cattle arriving in the United States from Europe, Asia, Africa, Australia, or New Zealand shall be subjected to a quarantine of ninety days, counting from the date of shipment.

It shall be the duty of the veterinary inspector at each port to see that the cattle imported shall be securely guarded against the risk of transmitting or receiving contagion until they shall have entered quarantine grounds. He shall also be superintendent of the quarantine, and shall have charge of the grounds, buildings, yards, and all property thereto belonging.

Collectors of customs are requested to co-operate with the veterinary inspectors and health authorities in enforcing these regulations, and will take such action as the facts and regulations may require.

2. Imported cattle shall be examined by the Government veterinary inspector before they leave the wharves, and if any are there found to be suffering from any of the following diseases—lung plague, rinderpest, aphthous (eczematous) fever—they shall not be admitted to the established quarantine grounds, but shall be quarantined elsewhere, at the expense of the importer, or be dealt with in such other manner as the veterinary inspector, in co-operation with the State or municipal authorities, shall determine.

3. In case of imported animals proving to be thus infected, such portions of the cargo of the vessel as have been exposed to the cattle or their emanations shall be subjected, under the direction of an inspector, to fumigation with the gas from burning sulphur, or to such other disinfection as may be considered by the veterinary inspector of the port necessary, before they can be landed.

4. No litter, fodder, or other aliment, nor any ropes, straps, chains, girths, blankets, poles, buckets, or other things used for or about the animals, and no manure shall be landed, excepting under such regulations as the veterinary surgeon shall provide.

5. On moving cattle from the ocean steamer to the quarantine grounds they shall not be unnecessarily passed over any highway, but must be placed on the cars at the wharves, or removed to the cars on a boat which is not used for conveying other cattle. If such boat has carried sheep, goats, or swine within three months antecedent, it must be first cleansed and then disinfected under the supervision of the veterinary inspector, and after the conveyance of the imported cattle the boat shall be disinfected in the same manner before it can be again used for the conveyance of cattle. The expense of such disinfection shall be paid by the United States. When passage across or upon a public highway is unavoidable in the transportation of imported cattle from the place of landing to the quarantine grounds, it must be under such careful supervision and restrictions as the veterinary inspector may, in special cases, direct.

6. The banks or chutes used for loading and unloading imported cattle shall be reserved for such animals, or shall be cleansed and disinfected, as above, before and after being used for such imported cattle.

7. The railway cars used in the transportation of cattle to the quarantine grounds shall either be cars reserved for this exclusive use or box cars not otherwise employed in the transportation of meat animals or their fresh products, and after each journey with cattle to the quarantine grounds they shall be disinfected by thorough cleansing and disinfecting under the direction of the Government veterinary inspector. The charge for such disinfection shall be paid by the United States.

8. While cattle are arriving at the quarantine stations, or leaving them, all quarantined stock in the yards adjoining the alley-ways through which they must pass shall be rigidly confided to their sheds.

9. Cattle arriving by the same ship may be quarantined together in one yard and shed, but those coming on different ships shall, in all cases, be placed in separate yards.

10. The gates of all yards shall be kept locked, except when cattle are entering or leaving quarantine.

11. The attendants on cattle in particular yards are forbidden to enter other yards and buildings, except such as are occupied by stock of the same shipment with those under their special care. No dogs, cats, or other animals, except those necessarily present, shall be allowed in the quarantine grounds.

12. The allotment of yards shall be under the direction of the veterinary inspector of the port, who shall keep a register of the cattle entered, with description, name of owner, name of vessel in which imported, date of arrival and release, and other important particulars.

13. The veterinary inspector shall see that water is regularly furnished to the stock, and the manure removed daily, and that the prescribed rules of the station are enforced.

14. Food and attendance must be provided by the owners of the stock quarantined. Employés of such owners shall keep the sheds and yards clean, to the satisfaction of the veterinary inspector.

15. "Smoking" is strictly forbidden within any quarantine inclosure.

16. No visitor shall be admitted to the quarantine station without special written permission from the collector of customs of the port, the veterinary inspector, or a member of the Treasury Cattle Commission. Butchers, cattle dealers, and their employés are especially excluded.

17. No public sale shall be allowed within the quarantine grounds.

18. The inspector shall, in his daily rounds, so far as possible take the temperature of each animal, commencing with the herds that have been longest in quarantine and ending with the most recent arrivals, and shall record such temperatures on lists kept for the purpose. In passing from one herd to another, he shall invariably wash his thermometer and hands in a weak solution (1 to 100) of carbolic acid.

19. In case of the appearance of any disease that is diagnosed to be of a contagious nature, the veterinary inspector shall notify the chairman or other professional member of the Treasury Cattle Commission, who shall visit the station personally, or send a delegate; and, on the confirmation of the diagnosis, the herd shall be disposed of according to the gravity of the affection.

20. If the disease should prove to be one of the exotic plagues—lung plague or rinderpest—the animals shall be dealt with in such manner as the veterinary inspector, in co-operation with the State or municipal authorities, shall determine.

21. The yard and shed in which such disease shall have appeared shall be subjected to a thorough disinfection. Litter and fodder shall be burned. Sheds, utensils, and other appliances shall be disinfected as the veterinary inspector may direct. The yard-fence and manure box shall be freely sprinkled with a strong solution of chloride of lime. The flooring of the shed shall be lifted, and the whole shall be left open to the air and unoccupied for three months.

22. If the contagious disease shall prove to be aphthous fever, anthrax, Texas fever, cow-pox, diphtheria, or scabies, the infected herd shall be rigidly confined to its shed, where disinfectants shall be freely used, and the attendants shall be forbidden all intercourse with the attendants in other yards, and with persons outside the quarantine grounds.

CHAS. J. FOLGER,
Secretary.

[Inclosure 4 in No. 675.—Circular.]

Report of United States Treasury Cattle Commission relative to the foot-and-mouth disease.

[1883.—Department No. 106, Secretary's Office.]

TREASURY DEPARTMENT,
Washington, D. C., August 4, 1883.

To collectors of customs and others:

A resolution having been adopted by the British House of Commons opposing the importation into Great Britain of cattle from any country in which the foot-and-mouth disease prevails, and charges having been made in Parliament that such disease prevails in this country, an investigation has been made by the United States Treasury Cattle Commissioners, who find that there is no evidence that American herds are now suffering from the disease. The report of the Commissioners is hereto appended.

Should you at any time learn of the existence of such disease in this country, you will please inform this Department of the particulars without delay.

H. F. FRENCH,
Acting Secretary.

UNITED STATES TREASURY CATTLE COMMISSION,
Boston, Mass., July 21, 1883.

SIR: Charges having been recently made in the British Parliament that cattle were being shipped from our ports, infected with the foot-and-mouth disease, and a majority of the House of Commons having voted for a resolution opposing the importation into Great Britain of cattle from any country in which said disease exists, we feel it our duty to state the facts of the case so far as this country is concerned. After a most extended and almost exhaustive inquiry, your Commission have been able to find no trace of foot-and-mouth disease apart from herds just landed from Great Britain, and which herds have been in every case segregated until the infection has entirely disappeared. The nature and scope of our inquiry may be deduced from our report for 1881. Beginning with the great rendesvous of cattle at Kansas City, Council Bluffs, and Omaha, we have made careful investigations along all the lines of cattle traffic as far as the Eastern seaboard. In this investigation we have included all the great stock-yards where cattle are detained for feeding, watering, sale, &c.; all the great feeding-stables connected with distilleries and starch, glucose, and other factories; all the city dairies where stock-yards exist and where the herds are replenished

from such stock-yards; and, to a large extent, the great dairying districts into which cows are drawn from the above-named stock-yards and lines of travel. Up to the present date we have made observations in the stock-yards at the seaboard, the terminal end of our cattle traffic, and that to which all infection must gravitate; but, apart from the imported cases above referred to, we have been unable to find a single case of the foot-and-mouth disease complained of.

The significance of the entire absence of this disease along the whole line of our cattle traffic, and in the herds into which this traffic leads, can only be appreciated when considered in its relation to the nature of the disease and the unmistakable symptoms by which it is manifested. The following points are especially to be noted:

1. The foot-and-mouth disease is perhaps the most contagious malady known. It rarely enters a herd without striking down all the members of that herd simultaneously, or nearly so.

2. The susceptibility to the disease is all but universal on the part of warm-blooded animals, but all cloven-footed animals are especially and about equally predisposed to it. It cannot be overlooked nor covered up therefore, as can a disease which confines its ravages to a single genus, but sheep, goats, and swine, coming within the range of the infection, contract and manifest the disease as readily and in as marked a way as do cattle.

3. The period of latency on incubation is remarkably short, the eruption of the malady often taking place in thirty-six hours, and rarely being delayed even in cold weather beyond six days after exposure to infection. There is therefore no opportunity for concealment nor for the disposal of infected but still apparently sound animals, while a journey of four or six days from the West with the attendant privations and febrile excitement would infallibly determine the full eruption of the disease before the stock arrived at the eastern seaboard, and this although the infection had only been received after the shipment on the cars.

1. The manifestation of the disease is not only so universal in the herd affected, but so prominent and unmistakable that it could not possibly be overlooked. No one could ignore for a moment the swollen digits, the lameness, and the blisters or ulcers between the hoofs, the heat, tenderness, swelling, and blisters or raw sores on the udder and teats, and the abundant frothing and slobbering at the mouth, the frequent loud smacking noise made with the tongue and palate, and the large round blisters or red angry sores on the mucous membrane of the mouth; these cannot escape the attention of the owners and attendants, and especially when a whole herd of 10, 50, or 100 are suffering simultaneously. Much less can they escape the instructed eye of the professional veterinarian.

In this connection it may be well to state that the invasion of foot-and-mouth disease that swept from Canada over Northern New York and New England in 1871 created something closely approaching a panic. The agricultural papers were full of the subject, State boards of agriculture convened and discussed the subject, a convention of delegates from different States met at Albany, N. Y., and it was the engrossing theme for every local farmers' club along the line of infection. This invasion, imported into Montreal with two English cows, fortunately occurred in autumn, and the long seclusion of the herds during the ensuing winter virtually stamped it out; the infection not having extended beyond herds in inclosed pasturages or buildings. Most of our farmers are as ignorant of the disease to-day as they were in 1871, and any new invasion could not fail to produce a similar excitement and consternation.

It should be added that our connection with the States, as well as the United States, brings us constant complaints of diseases supposed to be contagious, but we have not found any evidence of the actual existence of the foot-and-mouth disease at any point among our home herds.

We cannot pass unnoticed the two latest importations of the disease from England. Two years ago the steamship France of the National Line landed in New York a herd of Channel Island cattle suffering from foot-and-mouth disease. These were quarantined by the State authorities and the infection stamped out. The France, however, after an attempted disinfection, shipped a cargo of American beeves for the return voyage, and these, on arrival in England, were condemned as being infected with foot-and-mouth disease. This was undoubtedly contracted on board ship. The second case is that of the steamship Nessmore, which in March, 1883, landed in Baltimore a herd of Channel Island cattle suffering from foot-and-mouth disease. These again were secluded, as soon as detected, by the Pennsylvania authorities, and no evil consequences to our home herds can be traced. But the steamship Nessmore, after an attempted disinfection by the agents, shipped a cargo of American fat cattle, and these, on arrival in England, were found to be suffering from foot-and-mouth disease. This infection, unquestionably contracted on board ship, appears to have been the main if not the sole occasion of the recent questions and resolution in the British Parliament. That the infection was not derived from American herds, but from English, is beyond all dispute, alike in this case and in that of the France two years ago. The same is true of our extensive invasion in 1871, which was derived from two im-

ported short-horn cows, and which was thoroughly extinguished without having gained any permanent foothold.

We do not deny that other cargoes of American cattle may have been found suffering from the disease in question on arrival in England, but this is amply accounted for by the occasional use, for those cattle, of head ropes and other appliances that have been previously used for European cattle. But on this point we insist, with the greatest confidence, that there is no evidence whatever that our American herds are now suffering from foot-and mouth disease, and that there is as strong evidence of its non-existence as can well be produced on the negative side of a question.

JAMES LAW,
E. F. THAYER,
United States Treasury Cattle Commissioners.

Hon. C. J. FOLGER,
Secretary of the Treasury.

No. 247.

Mr. Frelinghuysen to Mr. Lowell.

No. 677.] DEPARTMENT OF STATE,
Washington, October 5, 1883.

SIR: I inclose herewith a copy of a letter from Hon. John F. Finerty, with its inclosure, and a copy of my reply in relation to the defense of Patrick O'Donnell, accused of the murder of James Carey.

You will ascertain whether O'Donnell is a citizen of the United States, and if so, you will do whatever is necessary to secure his proper defense. This you would do, of course, without instructions.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 677.]

Mr. Finerty to Mr. Frelinghuysen.

THE CITIZEN, No. 162 LA SALLE STREET, &C.,
Chicago, September 27, 1883.

SIR: I have the honor to inclose herein a resolution adopted at a meeting of Chicago citizens in reference to the approaching trial in England of Patrick O'Donnell, accused of the killing of James Carey, the informer.

There appears to be no doubt that O'Donnell is a *bona fide* citizen of the United States and therefore, is entitled to the privilege of defense usual in such cases.

I have great pleasure in seconding the resolution as presented by the committee.

Respectfully,

JOHN F. FINERTY,
Representative Second Congressional District, Illinois.

The Hon. SECRETARY OF STATE,
Washington, D. C.

[Inclosure.]

THE CITIZEN, No. 162 LA SALLE STREET, &C.,
Chicago, September 25, 1883.

DEAR SIR: The undersigned were appointed a committee to wait on you and present the following resolution passed at a large and influential meeting of Irish-American citizens in this city:

"*Resolved*, That P. W. Dunne, J. F. Scanlan, D. F. Gleeson, D. O'Sullivan, and T. P. O'Conner be appointed a committee to wait upon Hon. J. F. Finerty to request

him to communicate with the Secretary of State to ascertain what measures, if any, the Government of the United States is disposed to take to have O'Donnell, as an American citizen, properly defended at his forthcoming trial for the alleged killing of the informer Carey, and to urge upon the Secretary of State the necessity for immediate action by the United States Government to vindicate the right of citizen O'Donnell to a fair trial, as provided for under international law existing between this country and Great Britain."

Soliciting your prompt attention,

Very respectfully,

P. W. DUNNE.
DAN. O'SULLIVAN.
T. P. O'CONNER.
JNO. F. SCANLAN.
D. F. GLEESON.

Hon. JOHN F. FINERTY.

[Inclosure 2 in No. 677.]

Mr. Frelinghuysen to Mr. Finerty.

DEPARTMENT OF STATE,
Washington, October 3, 1883.

SIR: I am in receipt of your letter of the 27th ultimo, inclosing a resolution adopted at a meeting of Chicago citizens in reference to the approaching trial of Patrick O'Donnell in England, said to be a citizen of the United States.

A copy of your letter with its inclosure will be communicated to our minister in London, and he will be instructed to ascertain whether O'Donnell is a citizen of the United States, and if so, to do what is necessary to secure his proper defense.

It is not doubted that the accused will receive a fair trial according to the usual forms of law, which in England are substantially those in force in this country, and that any proper aid to that end which it is within their power to furnish will be given by the representatives of the United States in London. Such aid would be given as a matter of course, without specific instructions from this Department, to any American citizen accused of crime in any foreign country where this Government is represented.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN F. FINERTY,
Chicago, Ill.

No. 248.

Mr. Frelinghuysen to Mr. Lowell.

No. 684.] DEPARTMENT OF STATE,
Washington, October 12, 1883.

SIR: This letter will be handed to you by Messrs. William J. Hynes and William W. O'Brien, attorneys and counselors, of Chicago, Ill., who have been selected by many of their fellow-citizens of Chicago to proceed to London for the purpose of assisting as counsel in the defense of Patrick O'Donnell, accused of the murder of James Carey. It is stated that O'Donnell is a naturalized citizen of the United States, but the Department possesses no official information on that point. If satisfactory evidence is adduced to you that O'Donnell is a citizen of the United States, it is desired that you will use such efforts as in your own judgment you properly may, to secure for Messrs. Hynes and O'Brien such judicial courtesies as will enable them to fulfill the object of their visit. It is of course understood that in England, as in this country, the executive branch of the Government has no control over judicial proceed-

ings. This request is made at the instance of Senator John A. Logan and four members of the House of Representatives from Illinois.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 249.

Mr. Hoppin to Mr. Frelinghuysen.

No. 632.] LEGATION OF THE UNITED STATES,
London, October 12, 1883. (Received October 23.)

SIR: I have the honor to acknowledge the reception of your instruction No. 675 of the 1st instant, addressed to Mr. Lowell, and to transmit a copy of the recent correspondence between this legation and Lord Granville in relation to the subject of that dispatch.

On the 5th of September last we received your dispatch No. 653 of the 20th of August last. This was accompanied by a copy of Mr. French's letter of the 1st of August, and by Messrs. Law and Thayer's report to Mr. Folger of the 21st of July last, but by no other documents.

On the 6th of September last Mr. Lowell addressed a note to Lord Granville, inclosing a copy of the report of the Treasury Cattle Commission.

On the 12th of September last Lord Granville acknowledged the reception of this note.

I have to-day received your instruction No. 675 of the 1st instant, inclosing a copy of Mr. French's letter of the 1st of August last and of the report of the Treasury Cattle Commission, both of which had already been forwarded in your No. 653. I also transmitted a copy of a further letter from Mr. French, dated on the 20th of August, 1883, and copies of the circulars of the 8th of June and of the 4th of August last.

I have lost no time in calling Lord Granville's attention again to this subject, and I beg to inclose a copy of all the recent correspondence in relation to it.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 632.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, September 6, 1883.

MY LORD I have the honor to acquaint you that I have recently received from Mr. Frelinghuysen a dispatch inclosing a letter from the Acting Secretary of the Treasury, forwarding a report on the subject of the foot-and-mouth disease made by the United States Treasury Cattle Commissioners, in which it is stated that the disease does not prevail among the cattle of the American herds.

In compliance with Mr. Frelinghuysen's instructions to bring the substance of the report to your lordship's attention, I have the honor to inclose a copy of it herewith.

I have, &c.,

J. R. LOWELL.

to murder certain persons, and to destroy Government buildings with dynamite or other explosives. These arrests followed immediately after, and were presumed to be the result of the arrest at Liverpool, the day previous, of one Dennis Deasy, on his arrival by steamer from Cork with two so-called infernal machines. On Friday, March 30, Featherstone, with the other prisoner, was put forward at the police office, and at the request of the subinspector in charge of the case—who wished to gain time to make other arrests and secure further evidence—was remanded for eight days, bail having been refused. Yesterday, at a private hearing at the county jail, a similar request was made by the subinspector, and another remand of eight days was granted. No evidence was produced on either occasion. These facts, which I had already learned from the local journals—extracts from which I inclose—were repeated to me to-day by resident magistrate A. M. Mitchell, to whom, after consulting the mayor of Cork, I applied for authentic information as to the charge against Featherstone and the nature of the evidence to support it. He said that he did not himself certainly know what evidence there might be, it having been withheld for apparently good reasons under the circumstances; but that it was considered very strong and amply sufficient for the detention of Featherstone and the other prisoners; adding, however, that there was no disposition to postpone public examination any longer than should be necessary.

In my note of yesterday I suggested a doubt as to the true name of the person arrested as T. Featherstone. The signature of a letter then just received from him, a copy of which is inclosed, and in which he demands protection as a citizen of the United States, will explain and justify my doubt. I called on the prisoner this afternoon at the Cork Male Prison, and had a private interview with him. He told me he was a native of Ireland, born in Cork twenty-eight or thirty years ago, his mother still living at Mitchellstown, but had gone to the United States about nine years ago, and he had resided for nearly seven years at Freeport, Ill., where he took out naturalization papers. These papers, however, he told me, were left at the house of a brother-in-law, Dennis Sullivan, 150 Franklin street, New Haven, and the only additional proof of his citizenship was in the clerk's office of the circuit court at Freeport.

I spoke of his letter to me, and inquired if the signature gave his real name. He answered without hesitation that it did not; and then informed me that his name was Edmund O'B. Kennedy. He said he had been accustomed to write for newspapers, using the signature "T. Featherstone," and admitted that it was the name under which he had been traveling in Great Britain. The pseudonym, however, was not used by him, he said, from any motive of secrecy

I asked him how long it had been since he left the United States. He answered that he had been about eight months in Great Britain, at Liverpool, Glasgow, Belfast, Dublin and Cork. I inquired as to his business here. He told me that he came partly as a correspondent, mentioning two papers, the Freeport Bulletin and the Missouri Banner, to which he contributed letters. He asserted that he had not been associated with the Land League and other organizations, but said that he had written freely what he thought about political and other matters. This he seemed to think the right of an American citizen anywhere. I told him I had seen it stated, as a report, that he was supposed to be some kind of an agent for Mr. O'Donovan Rossa. This he said was not true—"I don't know the fellow at all." But, incidentally, he mentioned that one of his associates and friends, Mr. McDermott (whom he had known only while here in Cork), was a correspondent of Rossa's paper. He further explained his sojourn in Ireland—perhaps he meant Great Britain—by saying that he been engaged in teaching both in Illinois and Missouri, and had wished to study the method of public instruction in this country, with the object, as I inferred, of assisting to improve that at home.

The prisoner professed himself at a loss to know why he should have been arrested, but understood his arrest was in consequence of that mentioned above, at Liverpool, of Dennis Deasy, whom he said he did not know. He told me, however, that there were two papers found on his person—and these seemed to give him uneasiness, I thought—one of which came into his hands accidentally, having been picked up by him at the Imperial Hotel at Cork, and, unfortunately, preserved. He said he did not know its contents, but gave me the impression it had some chemical reference. The other paper was, he said, an order on one of the manufacturing chemists at Glasgow for a quantity of sulphuric acid. I must understand, he told me, that there was no printing ink manufactured at Cork; in consequence, he, with another of the men arrested, had concluded it might be a profitable enterprise to undertake its manufacture there, and the sulphuric acid was intended for experiments in that direction. He had been on the point of going back to the United States for the purpose of learning the method of cheaply manufacturing printing ink, after which he had expected to return to Cork and apply the knowledge. The manufacture of ordinary ink, disinfectants and artificial manure was to be combined with that of the article first named.

I noted down in his presence what the prisoner said. I believe I have not misin-

terpreted his private statements, which he understood I meant to report to you. Although he can show no proof of his citizenship, I do not think there need be any doubt of his assertions in that respect. But until proof is manifest, could the fact be taken for granted? Mr. McDermott knows regarding this matter only what Featherstone (that is Kennedy) has told him. Even if proof of citizenship were furnished I do not see that there would be necessity for any present action.

I am, &c.,

JOHN J. PIATT,
United States Consul.

[Inclosure 3 in No. 531.]

Mr. Lowell to Mr. Piatt.

APRIL 11, 1883.

SIR: I have to acknowledge the reception of your letter of the 7th, containing a full and satisfactory report upon the case of Edmund O' B. Kennedy, *alias* Featherstone.

I fully approve of your action in this matter.

In the absence of documentary evidence of his citizenship, and his insufficient explanation of certain suspicious circumstances, I do not think it my duty to intervene except under instructions from the Department of State.

I am, &c.,

J. R. LOWELL.

[Inclosure 4 in No. 531.]

Thomas Gallagher to Mr. Lowell.

BOW STREET POLICE STATION,
April 6, 1883—10.30 a. m.

SIR: As an American citizen, traveling on legitimate business, peaceably, molesting no person and breaking no law, I ask your aid in my present difficulty.

I arrived in London on the 28th of March, 1883, and since my arrival I can explain to any unprejudiced mind. But to my great surprise yesterday I was arrested, and charged with having in my possession explosives, which charge I can prove to be false. I have been locked in a dark, unhealthy cell, measuring about 10 feet long by 4 wide. That is all the room I have for walking. This is certainly sickening, considering the amount of vermin there is to be seen at night. I shall be very glad to have an interview from you or your representative.

My citizen papers are in my valise at the hotel, unless the authorities have taken them away. I could not even get a pen and ink to write this communication to you.

I am, &c.,

THOS. GALLAGHER, M. D.,
420 *Manhattan Avenue, Brooklyn, N. Y.*

[Inclosure 5 in No. 531.]

Mr. Lowell to Thomas Gallagher.

APRIL 7, 1883.

SIR: I have received your letter of the 6th, written in the Bow street police station, and desire to say, in reply, that upon being satisfied of your American citizenship, I shall give proper attention to your case.

I am, &c.,

J. R. LOWELL.

[Inclosure 6 in No. 531.]

Thomas Gallagher to Mr. Lowell.

MILL BANK PRISON, *April* 8.

SIR: Your letter of 7th I have received. I can only say, in reply, that my certificate of citizenship is in the hands of the authorities. I have applied to the governor to have them forwarded to you.

Very respectfully,

THOS. GALLAGHER, M. D.

No. 225.

Mr. Frelinghuysen to Mr. Lowell.

No. 586.] DEPARTMENT OF STATE,
Washington, May 5, 1883.

SIR: I inclose herewith a copy of an instruction from Lord Granville to Her Britannic Majesty's minister in Washington, dated December 30, 1882, a copy of which was handed to me by Mr. West [see correspondence with the British legation in Washington, *post*], and which is a reply to the argument contained in my No. 368 to you of May 8, 1882, on the subject of the Clayton-Bulwer treaty.*

You will remember that my No. 368 showed that the first seven articles of the treaty related to a particular canal then in contemplation, to aid the construction of which the treaty was signed; that the United States, being then without the means to build the canal, for which they had secured an exclusive grant from Nicaragua, naturally turned to England for capital, to secure which they were willing to surrender some of their exclusive privileges, and that the canal never having been built, the reason for the surrender of privilege has ceased and the treaty with Great Britain is voidable, being without consideration or any object to which it is applicable.

Lord Granville, in his instruction to Mr. West, in substance concedes that the first seven articles of the treaty related to what was then known as the Nicaragua Canal, but intimates an uncertainty as to the route. In this he is in error, for the line of the canal was definitely fixed soon after the conclusion of the treaty, and accepted by both Governments.

His lordship, however, practically confines himself to an assertion of rights under Article VIII by which the parties—

> after declaring that they not only desired, in entering into the convention, to accomplish a particular object, but also to establish a general principle, agreed to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable whether by canal or railway, which are *now* proposed to be established by the way of Tehuantepec or Panama.

And he claims that this provision is in effect an agreement that all the prior provisions with reference to the particular ship-canal—the Nicaraguan route—then in contemplation should be applied to any other canal thereafter constructed. Citing treaties between the United States and some of the Central American states, he contends that this Government having, since the Clayton-Bulwer treaty of 1850, entered into treaties which harmonize with the "general principle," is estopped from denying that the eighth article has the construction and effect he contends for.

Lord Granville further holds that Article VIII is none the less an agreement because it provides for further treaty stipulations to carry it into effect.

This argument has already been anticipated in my No. 368, in which it was shown that while the parties interested agreed in Article VIII to extend, by future treaty stipulations, their protection over other communications across the Isthmus, the immediate object of the article was the protection of the communications "*now*" (1850) proposed to be established by the way of Tehuantepec or Panama. None of the proposed

* Published in Foreign Relations for 1882.

communications having been established, the reason for the agreement has disappeared.

Further, the article provides for carrying out the "general principle" by additional stipulations which have not been even discussed.

Nor is there anything in the eighth article which makes applicable to any other route the provisions of the first seven articles covering the "particular object," viz, the Nicaraguan Canal.

The eighth article, therefore, is simply a declaration of the intention entertained more than thirty years ago by two nations to take up at some subsequent period the negotiation of a treaty on a particular subject. In order to carry out this purpose, treaties must be made by the United States and England with each other and with each of the Central American states through which a canal may be built, defining in detail the stipulations necessary to execute the general principle.

It cannot be successfully contended, as is suggested by Lord Granville, that the separate treaties made by this country with some of the Central American states, by which this Government agrees to guarantee neutrality, show an agreement to guarantee it jointly with Great Britain, for that would involve the admission that an express agreement to guarantee singly is in effect an implied agreement to guarantee jointly. Nevertheless, it is not denied that the United States did for many years try to induce Great Britain to fulfill her part of the agreement of 1850, and it was only when it became impossible for Her Majesty's Government to perform the promises which had led the United States to make the treaty that the position now maintained was assumed.

If it be contended that even if the treaty may be considered as lapsed, so far as it related to the specific route by Nicaragua and the routes named in the eighth article, as contemplated in 1850 (by Panama and Tehauntepec), yet the treaty is binding so far as it relates to other Isthmian communications not specified and not then contemplated, the answer is that the treaty must be considered as a whole, and that the general stipulations of the eighth article would never have been made but for the stipulations as to the specified routes then contemplated, and that part of the treaty having lapsed, the general stipulation as to any interoceanic communication fails for want of consideration.

To reach the construction his lordship seeks to put on the eighth article, its plain language must be disregarded and the consideration must be ignored that the article is as applicable to the Panama Railroad as to any other means of Isthmian transit, and that by acquiescence for many years in the sole protectorate of the United States over this railway, Great Britain has in effect admitted the justice of the position now maintained by the President.

Passing the interpretation of Article VIII you will remember that I contended that the Clayton-Bulwer treaty is voidable, because, while by Article I the two nations expressly stipulated that neither of them would occupy, colonize, or exercise any dominion over any part of Central America, Great Britain at this time has a colony, with executive and judicial officers, occupying a defined territory nearly equal in area to three of the smaller States of the Union.

It is true, as was shown in my No. 368, that, after the treaty had been ratified by the Senate in the form in which it now appears, and on the 4th of July, 1850, Mr. Clayton did exchange with Sir Henry Bulwer memoranda stating that the stipulation in Article I should not apply to the "settlements" in British Honduras (Belize), and it is also true that Mr. Clayton declined to affirm or deny the British title in this "settlement" or its alleged dependencies. Lord Granville now claims that Hon-

duras was then already (and to the knowledge of this Government) a British "possession" or colony, by conquest from Spain, through successful resistance by settlers to a Spanish attack. The stipulations of the treaty, as well as the memoranda exchanged by Mr. Clayton and Sir Henry Bulwer, relative to a British "settlement," appear to be inconsistent with any such claim, for nowhere in them can be found any statement which expresses or implies that Great Britain claimed or the United States admitted any such governmental control in the former over Belize as is now advanced and as is necessarily implied in the word "possessions."

The date of the conquest of Belize, alluded to by Lord Granville, is not stated, but the incident to which he refers is supposed to be the repulse, by a ship of the Royal Navy and the settlers, of an attempt, in 1798, on the part of Spain to take possession of Honduras. As the British settlers held under grants from Spain, it seems hardly necessary to consider whether the successful resistance of a tenant to an attempt to oust by force changes the tenure to one of full possession.

His lordship, however, meets this point by a plea of possession through abandonment, saying:

> When peace was signed, most of the British conquests from Spain were restored to her; but the settlement in Honduras, like that of the Falkland Islands, was not given up, and continued on the same footing as any other possession under the British Crown.

By the third article of the treaty of Amiens of 1802, Great Britain engaged to restore all Spanish possessions occupied or conquered by British forces. Belize was not given up because it was not a conquest, but a settlement under Spanish grants and Spanish sovereignty. The parallel with the Falkland Islands does not seem convincing, for these islands were ceded by France to Spain in 1763. By Spain they were in turn ceded absolutely to Great Britain in 1771, but their possession was abandoned, until, in 1820, Buenos Ayres occupied the islands as derelict, and colonized them. Later, in 1831, after a difficulty between the settlers and American sealing vessels, the United States ship of war Lexington broke up the settlement and removed the settlers to Buenos Ayres, and it was not until 1833 that Great Britain enforced her claim under the cession of 1771.

As to Belize, however, there was no cession. If the sovereignty of Spain was annulled by conquest in 1798, it was restored by the treaty of Amiens in 1802; and while after this treaty, and during the Bonaparte occupation, hostilities were renewed, the treaty of 1809 provided that there should be peace between Spain and Great Britain, and "also an entire obliteration of all hostilities committed during the late war." Since the conclusion of this treaty Spain and Great Britain have been at peace, and it is not imagined that Earl Granville will seek to show that a lawful possession could be thereafter created for Great Britain by a violation of that treaty in time of peace. No conquest of any part of Honduras is known to have occurred after 1802; but if there were, the perpetuation of this conquest would hardly comport with the reciprocal engagement of 1809 to restore the *status quo ante bellum*.

On the other hand, it is known that the settlements in the Belize were made under certain limited grants from Spain, subject to her sovereignty, and that long after the treaty of 1809 the occupation was generally regarded simply as a "settlement," and was so called by Lord Clarendon as late as 1854 in a note to Mr. Buchanan, and so remained until May 12, 1862, when, by royal commission, it was erected into a full colony, and subordinated to the government of Jamaica.

If Great Britain has turned the "settlement" maintained for the cutting of logwood and mahogany into an organized British colony—and this is admitted—or if that settlement has encroached beyond the line occupied by the settlers in 1850—and the reports from Guatemala and Mexico tend to show that this has been done—the action has been done, the action has been taken, in contravention of the Clayton-Bulwer treaty, and in violation of one of its most important provisions. The insufficiency of this part of Lord Granville's argument is shown by the contention that through a postal convention this Government has recognized the British position. The negotiation of a postal convention in 1869 cannot be held to involve any admission of the political status of the Belize district.

It is a strained construction of such an agreement to hold that it works an estoppel, as to a matter not in the mind of either party to the negotiation, and as to which both parties were endeavoring to reach a satisfactory conclusion through other and different channels; nor does the Post-Office Department act politically in its dealings with similar departments of other Governments.

If, however, the United States had submitted to the conversion of the Belize to a colony by Her Majesty's Government, in violation of the treaty, that is by no means a recognition of the binding force of the treaty on the United States when thus violated.

In the conviction, therefore, that the arguments heretofore presented by the United States remain unshaken, the President adheres to the views set forth in the instruction to you of May 8, 1882.

Lord Granville concludes by saying in effect that he does not answer that part of the instruction to you which relates to the Monroe doctrine because of my observation that it is not necessary for Her Majesty's Government to admit or deny that doctrine. As his lordship placed the claim of Her Majesty's Government on the continued binding force of the Clayton-Bulwer treaty, limiting that doctrine, as we contend, I think my remark was logical, and, so far as the United States are concerned, their views on that doctrine are sufficiently manifest.

You will assure Lord Granville that this Government shares the sincere desire of that of Her Majesty to arrive at that amicable adjustment of the question which cannot fail to promote harmony and goodwill between the two countries, and which it is my duty and pleasure equally with his lordship to do all in my power to perpetuate and increase.

You will take an early occasion to read this instruction to Lord Granville, and, if he should so desire, to leave a copy with him.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 226.

Mr. Lowell to Mr. Frelinghuysen.

No. 552.] LEGATION OF THE UNITED STATES,
London, May 19, 1883. (Received May 31.)

SIR: I have the honor to report that the International Fisheries Exhibition promises to be far more successful than even the most sanguine of its projectors had ventured to hope. The wisdom of Congress in

making so liberal an appropriation in furtherance of its object is entirely justified, both by the substantial encouragement given to the enterprise at its inception, by this proof of interest on the part of the United States, and by the fact that the section devoted to our country is more valuable than that of any other, and valuable for reasons of which we may very properly be proud.

I have the highest authority for saying that, quite apart from any consideration of intrinsic interest or curiosity, our share in the exhibition is superior to all others in virtue of the scientific intelligence shown in its arrangement and classification, thus rendering it more instructive than any other. This is especially gratifying because it is a triumph of a far higher kind than could be won by any ingenuity in our contrivances for the breeding or mechanical perfection in our implements for the taking of fish, though in these also we may safely challenge and in some cases defy comparison.

The credit of this unquestioned success is due undoubtedly in the first place to Professor Baird, whose absence is universally regretted, but hardly less to the intelligence, zeal, and untiring energy of Professor Goode and his assistants, who literally worked day and night in order to be ready for the day fixed for the opening of the exhibition.

I shall naturally have occasion to write again and more fully on this topic, when more perfectly informed, but could not deny myself the pleasure of reporting to you the impression already made in this international competition by the genius for organization of which our countrymen have here given proof, a faculty certainly not the lowest among those that distinguish the social and civilized man.

I have, &c.,

J. R. LOWELL.

No. 227.

Mr. Davis to Mr. Lowell.

No. 596.] DEPARTMENT OF STATE,
Washington, May 25, 1883.

SIR: I have to call your attention to the reported action of the Government of Her Majesty in assisting emigration of inhabitants of Ireland to the United States.

I inclose herewith for your information a copy of a dispatch from Mr. Fish, our minister at Brussels, transmitting the following extract from the Moniteur Belge, of the 6th of April last:

[Translation.]

On Friday last the first Irish emigrants, whose journey was paid by the public treasury, and which is being conducted under the management of the British Government, sailed from Ireland.

A number of families, composing 360 persons, left the little town of Bemulet, situated in the most distressed district of Ireland, and embarked for Boston, thence to go into the various states of the United States.

It seems doubtful whether the arrival of this sort of cargo will cause much pleasure to the Americans, for it is stated that among 47,149 persons arrested and convicted in New York in 1882, there was more than 50 per cent. foreign born, and that more than one-third of the delinquents were Irish.

Mr. Fish also forwarded a copy of the same paper to the collector of the port of Boston, who, as well as the governor of Massachusetts,

wrote to the Secretary of the Treasury on the subject. A copy of each of the letters (which have been referred to this Department) is inclosed. I also inclose a copy of a report of our consul-general in London, giving the results of inquiries made under his direction, together with its annexes.

It may not be advisable at present, and in the absence of fuller and more specific information than is now possessed by this Government, to make such formal representations on the subject as might imply a complaint based on a conviction that the action of the British authorities amounts to an act of unfriendliness towards the United States. Still the system formally recognized and authorized by the Irish land law of August 22, 1881, and by the arrears of rent act of August 18, 1882 (Pub. Stats., chap. 49, sec. 32, and Pub. General Stats., chap. 47, sec. 18), and the occasional declarations in Parliamentary debates (Times, April 11, April 27, May 1, 2, and 5, 1883) evince a strong readiness in the Government to extend the practice which has already become very noticeable here. The circumstance that these assisted emigrants have quite recently, on reaching our shores, become a burden upon the community, is one which in the interest of neighborly good feeling should be brought to the attention of Her Majesty's Government. It may, perhaps, be premature to pronounce a final judgment on the probable consequences to this country of a further development of the reported policy of Her Majesty's Government, but the subject presents itself at the outset under an aspect which this Government cannot view without concern, and certain considerations may very properly be brought forthwith to your attention, and by you to Lord Granville's notice.

The policy of encouraging immigration to the United States has been consistently followed by this Government, both as a political and economical measure, and there is now no desire to depart from it. The option of expatriation has been steadily urged as an inherent right, and, after many years' discussion, has been tacitly recognized by most European powers, and formally admitted by some—among them Great Britain. While urging the recognition of this right, the United States threw open their doors to the inhabitants of all nations, but more particularly to the poorer thrifty classes, who were heartily welcomed to our shores, given on the easiest terms sufficient land for their support, and incorporated in our body politic. To those desirous to improve their condition in the world, those who honestly endeavor to avail themselves of the political privileges of our Republican Government, the ports of the United States have never been closed; but to the criminal and the pauper no such privileges are extended, and the statutes of the United States empower the Executive to prevent their landing. The laws prohibit the coming of those liable to become immediately a charge upon the community, but the difficulty in the present case is to apply the law to individual cases. Poverty is not in itself a valid objection to the reception of an immigrant, for many of our worthiest citizens landed without money, but, possessing industry, application, ambition, and habits of economy, they have, while improving their own condition, added to the wealth and strength of the nation. That the self-reliant poor may, through misfortune, become a charge upon the community where they seek a new home is true, but such a possibility does not furnish a valid reason for returning them to their native country immediately upon their arrival.

The policy of assisted emigration is likely to send to us many who, lacking the qualities to secure a passage to America for themselves,

and depending upon Government aid for this, presumably do not possess the qualities to successfully cope with the adverse circumstances which must necessarily attend their first efforts in a strange country, and it is in this natural tendency of such a policy that we find a legitimate reason for objection to its enforcement by Great Britain. Honest, industrious and frugal immigrants will always be gladly received here, but this Government cannot look without deep concern upon any action by a foreign Government which tends to unloading its paupers, its "ne'er-do-wells," its aged and infirm, its cripples and weak-minded upon us, that we may afford that support through taxation which their native country owes them.

It is quite evident how the assisted emigration of such thriftless and dependent classes may at once relieve the burdens of the home community and entail corresponding burdens on a foreign community to an extent to justify international remonstrance. It is equally clear that the expedient of assisting emigration by Government aid is one only to be resorted to under circumstances which shall produce the greatest good to all alike, analogous, for instance, to an enlightened scheme of colonization. The object in view should rationally be not mere deportation of unproductive elements, but to offer to those whose home productiveness is impeded the advantages of a fresh start in life under more auspicious surroundings, such as the Great West supplies, whether in Canada or the United States. To such emigration as comes to its shores, willing, and within proper limits, able to join in the general work of production and self-sustenance, neither a fruitful dependency of the home state nor a friendly foreign state can rightly object.

Besides bringing the matter to the attention of Lord Granville, it is desirable that you examine into the subject and communicate to this Department your views thereon, together with any information you may be able to obtain on the subject of assisted emigration and its practical workings.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure 1 in No. 596.]

Mr. New to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
April 25, 1883.

SIR: I have the honor to transmit for your consideration and for such action as you may deem proper a copy of a report from the collector of customs at Boston, Mass., dated the 20th instant, with copies of two of its inclosures, in relation to the shipment of pauper emigrants to this country under the auspices of the British Government.

Very respectfully,

JOHN C. NEW,
Acting Secretary.

[Inclosure.]

Mr. Worthington to Mr. Folger.

CUSTOM-HOUSE, BOSTON, MASS.,
Collector's Office, April 20, 1883.

SIR: I beg leave to inclose herewith a communication from United States Minister *Fish*, at Brussels, of the 6th instant, advising me of the shipment to the United States *of Irish* pauper emigrants, shipped under the control of the British Government, by

whom their journey is paid. These emigrants are reported as coming from the most distressed district of Ireland.

Accompanying this communication is an extract from the Moniteur Belge, Brussels. [See *ante*].

The steamship Phoenician arrived at this port on the 4th instant, having on board 420 ste rage passengers, of whom 213 were known as "assisted immigrants."

The steamship Nestorian, which arrived on the 14th instant, brought 770 steerage passengers, of which number 538 were assisted immigrants, nearly all of whom were ticketed through to various parts of the west; some, however, being destined to the oil and coal districts of Pennsylvania.

The alien passenger commissioner represents to me that all these steerage passengers were able-bodied, and, therefore, *prima facie*, able to "take care of himself or herself without becoming a public charge."

It is understood that the British Government supplied these assisted emigrants with money varying from £1 to £8 per family, according to the number of each family.

I regard this great influx of Irish pauper immigrants shipped under the control of the British Government as presenting a very grave question, and fraught perhaps with disastrous results, and I have deemed it my duty to transmit a copy of Minister Fish's letter for Department consideration, and have, &c.,

R. WORTHINGTON,
Collector.

[Inclosure 2 in No. 596.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT, *May* 1, 1883.

SIR: Referring to this Department's letter of the 25th ultimo, transmitting a copy of a letter from the collector of customs at Boston, dated the 20th ultimo, in relation to the deportation of pauper emigrants to this country, under the auspices of the British Government, I beg leave to transmit herewith a copy of a communication from the governor of Massachusetts, dated the 23d ultimo (with its inclosure), in relation to the same subject, with a renewal of the earnest request expressed in the former letter that you will take such action with reference to this matter as you may deem appropriate.

CHARLES J. FOLGER,
Secretary.

[Inclosure.]

Governor Butler to Secretary Folger.

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT,
Boston, April 23, 1883.

DEAR SIR: I have the honor to call your attention to a matter of very considerable importance to this commonwealth, which is perhaps as succinctly stated as it may well be, in the inclosed extract from the Moniteur Belge of April 6, 1883, of which I send you also the translation. [*See ante.*]

One cargo of these emigrants has already arrived in Boston, and another is momentarily expected. If I were convinced that it was in the power of this commonwealth to prevent their landing, I should deem it my duty so to do. Many of them immediately become a charge upon the commonwealth for support. As to themselves and their families, I have the strongest and deepest sympathy with these poor people, and if landed, I will endeavor to see that they are humanely and properly cared for.

I recognize, and rejoice in the theory upon which our Government was founded, that America should be a home for the oppressed and down-trodden everywhere. We welcome, therefore, all, however humble, who come to us of their own free will, aided by their energy, enterprise and resources. Such people, whether men, or women and their children, are a source of wealth to the country. But by this I by no means recognize the right of the Government of Great Britain to deport all its paupers to our shores, as if we were, though not a penal, yet a pauper colony of that Empire. By laws that trench very nearly on the penal, they have made these poor people of Ireland paupers, and then to get rid of feeding them, at governmental expense, send them to us, perhaps after they have selected the best of them to be sent to their own colonial dependencies. England ought not, in my judgment, to be permitted to empty her almshouses into the United States, nor ought she to be permitted in Ireland, where she has

not almshouses to care for the people that her laws have made paupers, to impose them as a burden upon State charities.

May I ask of you, Mr. Secretary, therefore to take such means as to your good judgment may seem legal and proper to prevent the landing of such deportations at least within the limits of Massachusetts, and I promise you whatever aid in that regard the executive of the State may be able to give.

If it so happen that the laws of the United States may be ineffectual to hinder the landing of these forlorn creatures, certainly it is within the scope of the diplomatic power of the United States to make such representations to the Government of Great Britain as will prevent their being sent here against the will and wish of our Government. If the latter is the only way in which the evil can be reached, may I beg of you to present the matter to the President for his consideration and intervention diplomatically if he shall see cause?

I have, &c.,

BENJ. F. BUTLER,
Governor.

[Inclosure 4 in No. 596.]

IRISH DISTRESS AND EMIGRATION.

Report by Consul-General Merritt, of London.

The reports published on both sides of the Atlantic relative to the extent and alarming character of the present distress among the Irish peasantry have been so conflicting and exaggerated that I have deemed an inquiry into the real facts of the situation would be of service to philanthropists, who too often give where charity is uncalled for and mistakenly withhold where it is needed. But aside from this consideration Irish distress means increasing emigration to the United States, and it includes many political questions into which it is not my province to enter. Wholesale emigration aided by Government is looked upon in many quarters as the only relief from the periodic famine, and measures are now on foot to send thousands of poor families from the "congested districts" of Ireland across the Atlantic.

Considering the subject in these aspects one of legitimate inquiry, on the 28th of February last I addressed a circular letter to the members of the United States consular corps in Ireland, asking them to make investigation in their respective districts and to report on the following points:

I. Whether the published accounts of the distress were substantially correct or were exaggerated.

II. Whether the prospects of amelioration in the immediate future were encouraging.

III. To what extent will the existing conditions tend to a more rapid emigration to the United States or the English colonies.

IV. Whether the Government, the guardians of the poor, or associations are engaged in sending paupers to the United States.

I.

The reports submitted in reply to the first question, while admitting the gravity of the situation, generally agree that the distress prevailing at present is not exceptional in its character, and that the published accounts to the contrary are exaggerated. In the poorer agricultural districts the situation of the peasantry is miserable, and abject poverty is the rule, but sad as it is it has been the same for years and has become the normal condition of life. The partial failure of the potato crop in certain parts of Ireland has to some extent aggravated the situation. The fisheries have again been unsuccessful, and the rainy autumn and winter, while foreboding no good to the coming crops, have interfered with the work of the laborer. Consul Piatt, of Cork, says upon this point:

"While I am inclined to believe that the destitution and distress in Western and Southern Ireland are great enough and worthy of the assistance that our people are always disposed to give, there is certainly room to doubt whether the picture as it is shown to the outside world is not exaggerated. Boards of guardians and popular bodies, I am assured, are in a measure responsible for this exaggeration, as they, in their anxiety to have the poor-rates relieved by the opening of relief works by the Government, have made efforts to magnify the distress in some localities."

In brief, it may be safely assumed that the much talked of "starvation point" has not been reached, however bad the situation may be, and that the local and Government authorities have abundant means at hand to relieve actual necessity.

II.

The prospects of amelioration of the present condition in the immediate future are most discouraging. Mr. Eccles, consular agent at Sligo, says:

"The wet weather of last harvest prevented much peat fuel being saved, and the poor suffer much from want of fire in consequence. Unless employment is given, or temporary charity be distributed until the warm dry weather comes, great distress will, I believe, prevail; but the laborers and small farmers do not like to become the recipients of charity and are anxious to obtain employment to support themselves and families. There is no prospect at present of this employment being obtained, and the outlook is gloomy indeed."

It is altogether unlikely that the Government will shortly commence public works in order to give employment to the people, as the policy settled upon is relief either by the workhouse or by emigration. The chief secretary for Ireland in a recent speech said that the condition of the poorer class of farmers was more deplorable than that of any class of people living in any civilized country; that there were 67,000 farms of from 1 to 5 acres, and 160,000 of from 5 to 15 acres; and in the latter class there were not more than from 2 to 2½ acres of arable land in their holdings. Under more favorable conditions the agricultural interests in Great Britain have suffered severely, the present price of farming land being the lowest known in generations, and the oppression of bad seasons and foreign competition has reduced the Irish farmer, whether tenant or owner, to still lower depths of poverty. Trade in Ireland is extremely dull. Land is almost unsalable at any price, and the unsettled political state of the country forbids the hope of capital being forthcoming to extend manufacturing interests. From whatever point of view the subject is looked at there is little or no chance for an improvement in the immediate future.

III.

With great unanimity the consuls agree that the present condition must act as a powerful stimulus to emigration, and many interesting facts are given in their reports to illustrate this branch of the investigation. In 1882 the emigration was 89,566, an increase of 10,847 over 1881, and the present year, at the lowest, will certainly show an emigration of over 100,000. The total numbers represented 17.2 per 1,000 of the population as it stood in 1882; 74.8 per cent. of the persons who left Ireland last year were between the ages of fifteen and thirty-five, showing that a large majority were able-bodied. Of the 47,426 males who emigrated, no less than 32,955 were returned as simple laborers. As to farmers, the figures for the past three years are: 1880, 1,994; 1881, 2,440; and 1882, 3,140.

IV.

As to the question whether the Government, the guardians of the poor, or associations are engaged in sending paupers to the United States, some diversity of opinion exists, which may be accounted for by the difference of the localities from which the consuls write. Consul Barrows, of Dublin, says that no such practice is in operation in his district. Consul Wood, of Belfast, writes:

"I know of no organized effort for any large deportation of sufferers or paupers to the United States. No doubt many will find their way there by the aid of friends, and often in a measure by charitable funds. It is to be feared that most of such emigrants are without means, and, what is worse, without skill in trades or other occupations, and with so little money as to afford no promise of any respectable support on their arrival in America."

Consul Livermore, of Londonderry, understands that "Government agents, with no great success, however, endeavor to induce the poor and lazy to emigrate." Mr. Eccles, at Sligo, after saying that the guardians of the poor have scheduled out certain districts under the emigration clauses of the land act, states that in the Sligo union alone 600 applications have been made, and in the western unions considerably more. Continuing, he says:

"The bulk of these emigrants will go to the United States. They will receive £7 per head to cover cost of passage and outfit. It has been calculated that this will cost £6 each, which will leave about £1 to each on arrival. As it appears to me, the guardians of the poor are desirous to emigrate those who are likely to be in a state of chronic poverty at home and save the rates from their possible support. If these people are thrown upon the cities of the United States without provision being made beforehand for their employment, they may become burdens on the rates there also, and the country of their adoption may become a looser instead of a gainer by their influx. * * * I believe also among the families who intend to emigrate there will be infants and many children of both sexes under fourteen years; old people will try to

get out by giving fictitious ages, and similarly also with those suffering from insanity, idiocy, and other infirmities."

I have thus briefly indicated the nature of the information which these consular reports contain and the general conclusions to which they tend, which I believe to be worthy of serious consideration. * * * As to relieving Irish distress by contributions of money from the United States, which have always been so liberal, the charges have been so frequent in the past that much of this money has been used for other purposes, that I suggest in the future the utmost care be taken in choosing the channels through which the charity is to be administered.

In conclusion, I desire to express my sincere thanks to the United States consular corps in Ireland for their full and prompt replies to my questions on the subject of this investigation.

E. A. MERRITT,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
London, March 21, 1883.

No. 228.

Mr. Lowell to Mr. Frelinghuysen.

No. 554.] LEGATION OF THE UNITED STATES,
London, May 26, 1883. (Received June 5.)

SIR: Referring to your instruction No. 577, of the 20th April last, I have the honor to acquaint you that immediately after its arrival I addressed a note to Lord Granville conveying the thanks of the President for the kind assistance rendered by the officers of Her Majesty's Government in Bulgaria in protection of the rights of American citizens there.

On the 14th instant Lord Granville expressed to me in a note of that date the satisfaction with which he received that communication.

On the 16th instant his lordship sent me a further communication, a copy of which I herewith inclose, transmitting copies of the dispatches from Mr. Lascelles in relation to the same subject. Lord Granville asks me to inform him what further steps, if any, my Government would wish Mr. Lascelles to take in the matter in their name.

Will you be kind enough to instruct me what reply I shall give to Lord Granville's inquiry?

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 554.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *May* 16, 1883.

SIR: Her Majesty's agent and consul-general at Sofia has reported to me the circumstances relating to the closing of American schools in Bulgaria, and the action taken by him in the matter, and I have the honor to transmit, herewith, copies of his dispatches on the subject.

The Bulgarian Government has refused to comply with the representations made by Mr. Lascelles, on behalf of the missionaries, as to the reopening of their schools, and I beg that you will have the goodness to inform me what further steps, if any, your Government would wish Mr. Lascelles to take in the matter in their behalf.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *February* 21, 1883.

MY LORD: I have the honor to inclose a copy of a statement which has been handed to me by Mr. Challis, one of the American missionaries in Bulgaria, with regard to the forcible closing of the American school at Sistova on the 16th ultimo.

On the receipt, on the 20th ultimo, of a telegram from Mr. Ladd, I requested Mr. Voulcovitch to cause inquiries to be made, and if necessary to take the necessary measures to redress the wrongs complained of by the American missionaries, and on the 23d I telegraphed to Mr. Ladd that I had been informed by his excellency that the school had been closed because the formalities required by Bulgarian law had not been complied with, and I also wrote at the same time recommending the American missionaries to make an application to the minister of public instruction for permission to open their school. I also recommended them to comply with all the formalities required by law.

In consequence of a further application which was made to me personally by Mr. Ladd, I requested Mr. Stoiloff, who had succeeded Mr. Voulcovitch, as minister for foreign affairs, to give immediate orders that the seals which had been affixed to the school-room at Sistova, which was also used as a place for divine worship, should be removed, as whatever right the minister for public instruction might have had to order the closing of the school, I could not admit that the Bulgarian authorities had any right to effect a forcible entrance into the house of an American citizen, and to affix seals to a portion of that house, without previous communication with the consular authority. Mr. Stoiloff at once sent the orders I asked for, and on the 24th ultimo the seals were removed on the understanding that the room should not be used as a school-room until the right of using it should be decided by the authorities at Sofia.

Mr. Stoiloff subsequently informed me that he had examined the question, and had come to the conclusion that the authorities had no right to order the closing of the school, as it appeared that the American missionaries had complied with all the requirements of the law. He had therefore addressed a letter to the minister for public instruction, the draft of which he read to me, asking him to state the grounds upon which he acted, and to give the necessary permission for the school to be re-opened, unless there were some legal reason to the contrary.

I have told Mr. Stoiloff that the action of the authorities in this case appeared to me to be an attempt at religious persecution, and that I had been informed by one of the missionaries that the minister of public instruction had declared to him in conversation that it was the intention of the Bulgarian Government to close all the Protestant schools in the principality. I reminded Mr. Stoiloff that the treaty of Berlin guaranteed religious liberty to all the inhabitants of Bulgaria, and strongly urged him to put a stop to any tendency to religious persecution, which could not fail to create a most unfavorable impression throughout Europe.

Mr. Stoiloff replied that a party existed in Bulgaria who were supported by the clergy and the Russians who desired to suppress all schools which were not of the orthodox faith.

* * * * * * *

The American missionaries, who have recently met at Sofia, have had an interview with Mr. Stoiloff, who gave them the most satisfactory assurances, and expressed the hope that the matter might be arranged without any official action on my part.

* * * * * * *

I have thought it only fair to Mr. Stoiloff, who I believe is sincere in this matter, to give him an opportunity of fulfilling the promises he has made to the American missionaries, without any pressure from me, and I have therefore informed Mr. Challis, that while I should always be ready to afford them any assistance in my power, I considered it better that I should not take any further steps in the matter for the present, unless circumstances should render immediate action on my part desirable.

I have, &c.,

FRANK C. LASCELLES.

[Inclosure.]

D. C. Challis and others to Mr. Lascelles.

STATEMENT.

HONORED SIR: We, the undersigned, American missionaries within the principality of Bulgaria, respectfully submit for your consideration and action the following statement:

As is well known, we have labored among the Bulgarian people for upwards of 25 years as evangelical missionaries. In connection with our work of preaching and dis-

tributing the Scriptures and other instructive books, we have found it necessary to establish schools at our various stations or centers of work, for the reason that the existing schools were and still are acknowledged to be inefficient and inferior to those which we can establish, and also that the national schools are all carried on in the interest of the Eastern Orthodox Church, whose rites and ceremonies are enforced on all pupils in attendance. Hence any people or community, or even isolated families, holding doctrines at variance with those of the Established Church, must have schools of their own, if their rights of conscience are to be respected. Such schools have been a feature of our work from the beginning, and the liberal patronage which they have received show that they are appreciated by the people. These schools are in no sense new, except that some of them have been transferred from one city to another, owing to the difficulty of purchasing property for Protestant school purposes.

When application was made for permission to build an edifice for the girls' school at Loftcha, a permit was refused on the ground that the school was not desired, for a petition had been circulated among the common people against such permission, and it was numerously signed under pressure by the authorities. Application was then made to the minister of the interior, and repeated assurances were given by him that there was no law against the existence of such schools. An order was telegraphed to the city council of Loftcha to place no further obstacles in the way of the erection of the proposed building. In answer to a second application the authorities again refused permission. A telegram to the ministry received the reply that on account of representations made by the prefect the former order was rescinded; afterwards the prefect informed the resident missionary verbally that the minister of the interior desired him to say that on the ground of existing laws and treaties there was no reason why permission to erect the building should not be granted, but that, in order to avoid local disturbances, it would be better to defer its erection for a short time. A few days later a formal order was sent from the ministerial council which directed "that the Protestant missionaries be not permitted to establish a school in Loftcha, since this is one of their methods of proselytism which cannot be permitted in Bulgaria, where the people have their own religion."

Application was then made to the city council for permission to erect a dwelling for the resident missionary, which, after a considerable delay, was granted. This building is now occupied by the family of the resident missionary and the girls' schools.

The American school at Sistova was commenced November 6, 1882, and continued without question for three months, when the inspector of schools, Mr. Somoloff, informed one of the teachers that unless a written notification of the opening of the school were sent him within three days he would close it. Such notice was given him the next day; he said it was sufficient, and that nothing further was needed. About six weeks after this the prefect called Mr. Tomoff, one of the teachers, and asked him about the school, saying that he, the prefect, had been appointed inspector instead of Mr. Somoloff. Mr. Tomoff answered his questions and gave him a programme of the school. On January 16 the prefect came to the school with an order, said to be from the minister of education, commanding him to close the American school, as its existence was contrary to law. Upon being asked what law had been violated, he replied that it was not his business to tell. He was then requested to present the order in writing, which he did, demanding the closing, not only of the day but also of the free evening school under the charge of the pastor. Upon consultation the teachers decided to make out a paper to the prefect, stating that they would comply with his order and close the American school, although they knew no law therefor. Another paper was directed to the inspector, stating that on the following morning they would open a Protestant school. In the evening Mr. Tomoff offered the paper to the prefect. He refused to receive either of them: the one directed to the prefect because it was out of office hours, and the other, directed to the inspector, because he claimed to be no longer inspector. He also said that the office of inspector was vacant, and might remain so for some time.

Having learned that there was no way of giving notice of the opening of the Protestant school, the next morning it was decided to notify the prefect that the school would be continued until the ministry should point out what law had been violated. Before noon, Mr. Ladd, one of the missionaries, saw two men enter his home without knocking. When he reached them, they were passing through an inner door which opens into a room consecrated to school and church purposes He ordered them to stop, and then asked them to allow him to shut the door, which latter they refused to do. As one of them was standing against the door, Mr. Ladd pushed him aside as gently as possible, and shut the door. He then ordered them as intruders to leave the house, telling them that he had the right to defend his house against intrusion. They refused to go. Up to this time Mr. Ladd did not know who they were, or what they wanted. At this moment the prefect came, accompanied by eight or ten gens-darmes, and at once ordered the arrest of Messrs. Tomoff and Ecounomoff, who were interpreting for Mr. Ladd. They were violently seized by the gens d'armes, thrown down, kicked, and otherwise ill-treated, and dragged ignominiously to jail. Mr.

Econnomoff, who was at the time in poor health, was thrown violently into the dungeon. Mr. Ladd informed the prefect as well as he could in Bulgarian that he did not understand that the latter had any right to enter his house without permission or an order from the English consul-general, who, as he believed, acted in behalf of American citizens in Bulgaria. But notwithstanding this he entered, followed by the gensdarmes, together with the rabble which had gathered outside. The missionaries protested against their entering, but in vain. The prefect then offered them this alternative, that either the house should be sealed or that the teachers should bind themselves in writing not to teach. The latter they refused to do, and the house was accordingly sealed.

After the school-room was sealed, the students in the theological department, eleven in number, who lived in the house of Mr. Jones, one of the missionaries, continued to study, and the teachers gave them private instruction.

On the 23d January the sub-prefect came to Mr. Jones's house and inquired if there were students living there. Being answered in the affirmative, he inquired as to the number, &c., of these students, and was told that there were eleven in the house who were taking private lessons. The next day an order came to Mr. Jones to close the school in his house within two hours. Mr. Jones replied that he had no school, for it had been forcibly closed, and that he simply gave private lessons at their own request to the students living in his house. The prefect then ordered the students to leave the house. Mr. Jones would have resisted, but knowing that the prefect had undertaken to accomplish his ends at all hazards, and that he would drive the students out by force into the midst of a severe storm, he thought it better to transfer them peaceably to another house, doing so, however, under the strongest protest.

We give these statements at length, that there may be a full understanding of the nature and extent of the violation of our rights on the part of the authorities. We ask for no intervention that shall interfere with the prerogatives of the Bulgarian Government, but we do ask that due respect may be paid by it to the rights guaranteed to us. We base our appeal on the following considerations:

1. Article V of the treaty of Berlin secures the liberty of conscience to all living in the principality.

2. The constitution adopted by the representatives of the Bulgarian people grants full religious liberty upon the sole condition that the rites and ceremonies of any religious society shall not violate existing laws.

3. We are assured by the highest legal authority in the principality that no law exists which forbids the opening and carrying on of our schools.

4. Some of our schools were in operation previous to the organization of the Bulgarian Government. Others were allowed to be opened without being questioned by the authorities, and none have been interfered with until the past year.

5. We have invested considerable sums in real estate in connection with our educational work, and claim the right of being protected in our property interests. We therefore claim such recognition of our rights on the part of the Bulgarian Government as shall secure us from further unlawful interference by officials, and afford us the protection which the law affords to all. With many thanks for your kindly interest and efficient help in the past,

We are, &c.,

D. C. CHALLIS, *Loftcha.*
W. E. LOCKE, *Samakov.*
J. HENRY ROUSE, *Samakov.*
FRED. L. KINGSBURY, *Samakov.*
WM. W. SLEEPER, *Samakov.*
E. F. LOUNSBURY, *Roustchouk.*
J. L. LADD, *Sistova.*
A. R. JONES, *Sistova.*

Treaty of Berlin.

[Translation.]

ARTICLE V.

The following provisions will form the basis of the law in Bulgaria:

Differences of religious belief and confessions shall not be an obstacle to any one, as a motive of exclusion or incapacity in the enjoyment of civil and political rights, the admission of employments in public functions and honors, or the exercise of different professions and industries in whatever locality it may be.

The freedom and practice of all forms of religious worship are assured to all belonging to Bulgaria, including foreigners, and no obstacle shall be made to the hierarchical organization of different communions, or in their relations to their spiritual chiefs.

[Inclosure 3 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *April* 6, 1883.

MY LORD: With reference to my dispatch No. 9 of the 21st of February, I have the honor to inclose a copy of a note which I have addressed to Mr. Zancoff, to return to him two summonses which he had sent me to be forwarded to two American citizens residing at Sistova.

Your lordship will perceive that the reason I give for returning the summonses was that they reached me too late for me to be able to forward them to their destination by the time fixed for the trial, and I also reminded Mr. Zancoff that his predecessor had given me the assurance that no legal proceedings should be taken against the American missionaries until the question of their right of opening schools at Loftcha and Sistova should have been settled by the Bulgarian Government.

I have urged upon Mr. Zancoff the necessity of settling this question without delay, and have pointed out to him the hardship which has been entailed upon the American missionaries by having been obliged to close their schools. Mr. Zancoff replied that he believed that the closing of the schools had been ordered in consequence of complaints made by the population of Sistova against the proselyting zeal of the Americans, and that a law was being prepared to regulate the position of all schools in the principality.

I told Mr. Zancoff that the American missionaries desired to fulfill all the requirements of the law. As yet, as far as I could learn, they had done nothing illegal, and the closing of their schools had been an arbitrary act of the authorities. If the missionaries found that they could not comply with the new law, they would leave the country, as it was one of their principles not to act in defiance of the authorities. They had been in the country for upwards of twenty years and had not been molested under the Turkish rule, and I pointed out to Mr. Zancoff the bad impression that would be created if they were now forced to leave. The fifth article of the treaty of Berlin moreover assured the freedom and outward exercise of all forms of worship to all persons belonging to Bulgaria as well as to foreigners.

Mr. Zancoff having expressed the wish to see the American missionaries, I requested Mr. Challis, who is now staying at Sofia, to call upon him, which he did the day before yesterday. Mr. Challis has informed me that in this interview Mr. Zancoff, who seemed imperfectly acquainted with the question, was very guarded in his language and recommended him to call upon the acting minister of public instruction, which Mr. Challis intends to do. * * *

I have, &c.,

FRANK C. LASCELLES.

[Inclosure.—Translation.]

Mr. Lascelles to Mr. Zancoff.

SOFIA, *March* 28, 1883.

Mr. ACTING MINISTER: I have the honor to acknowledge receipt of the note which you addressed me under yesterday's date, transmitting two summonses emanating from the inferior tribunal of Sistova concerning two American citizens.

These two gentlemen are summoned to appear before the tribunal the 19th–31st of this month, and I may be permitted to remark, Mr. Acting Minister, that it will be quite impossible for these summonses to arrive at their destination before that date. I have therefore the honor to return them to you inclosed, begging you to explain the reasons which have prevented me from acceding to the request which you addressed to me.

Permit me at the same time to inform you that your predecessor, Mr. Stoiloff, gave me the assurance that so long as the question of the right of the American missionaries to open schools at Sistova and at Loftcha was not settled by the Government, no legal proceedings would be taken against them.

I hope that this question, which has so long been under the consideration of the Bulgarian Government, will now reach a definitive solution.

I am, &c.,

F. C. LASCELLES.

[Inclosure 4 in No. 554.—Extract.]

Mr. Lascelles to Lord Granville.

SOFIA, *April* 18, 1883.

MY LORD: With reference to my dispatch No. 24 of the 6th instant, I have the honor to report that Mr. Agourd, the acting minister of public instruction, has informed Mr. Challis that in view of the popular feeling at Sistova against the teaching

of the American missionaries, it is impossible for the Bulgarian Government to grant permission for the opening of American schools.

In consequence of this answer I have informed Mr. Zancoff, the acting minister for foreign affairs, that it became my duty to report to your lordship the decision which the Bulgarian Government had arrived at, and to wait your lordship's instructions on the subject. I also told Mr. Zancoff that I had recommended Mr. Challis to report the matter to the United States minister at Constantinople, who, I understood, had the intention of bringing the question to the notice of the great powers. Mr. Zancoff replied that the right of opening schools in Bulgaria was a purely internal matter, which would not justify the interference of the powers. He said that he himself was favorably disposed toward the Americans, but that they appeared to have acted in an illegal manner. * * * I told Mr. Zancoff that as far as I could learn the Americans had done nothing illegal, and that they professed their willingness to comply with all the requirements of the laws which might be made; what they complained of was the arbitrary act of the authorities in illegally closing the schools. The Bulgarian Government had now decided that the schools should not be reopened, and the matter had therefore assumed so serious an aspect that it became my duty to apply to your lordship for instructions as to the course I should follow in regard to it. Mr. Zancoff said that he would bring the matter before the council of ministers. * * *

The schools of the American missionaries are not the only ones which have been recently closed by the Bulgarian authorities at Varna, where there is a large Greek population. Two Greek schools were closed some time ago, and Mr. Rangabé, the Greek agent and consul-general, has informed me that in spite of an order from the Bulgarian Government, the prefect refused to allow them to be opened, and that it was only in consequence of a telegram to the prefect, informing him that unless the schools were opened he would be dismissed, that he at last obeyed the orders he had received. * * *

With regard to the popular feeling which is said to exist in Sistova, I am informed that a petition signed by three thousand persons has been addressed to the minister of public instruction against the American schools. Mr. Challis has informed me that no doubt there is a class of persons who are hostile to the work of the American missionaries, and among these are to be counted a large number of the clergy. He denies, however, that the majority of the inhabitants are opposed to the missionaries, who are quite prepared to meet with opposition, provided that they are not molested by the authorities. He was not aware of the manner in which the present petition was got up, but he has informed me that last year a petition directed against them was circulated by the tax-gatherer. He has also informed me that under Turkish rule the missionaries had no complaint to make against the authorities, who, on the contrary, protected them against the attempts at persecution which were made by some of their Bulgarian opponents.

* * * * * * *

I have, &c.,

FRANK C. LASCELLES.

No. 229.

Mr. Lowell to Mr. Frelinghuysen.

No. 557.] LEGATION OF THE UNITED STATES,
London, May 29, 1883. (Received June 9.)

SIR: I have the honor to acquaint you that on the 21st instant I received your No. 586 of the 5th instant, and immediately placed it in the hands of the copyist. I was not able to make an appointment to communicate it to Lord Granville for an earlier date than to-day. I have just now returned from the foreign office, where I had an interview with his lordship, and read this instruction to him, agreeably to your direction. I also left a copy of it with him at his desire.

I have, &c.,

J. R. LOWELL.

No. 230.

Mr. Lowell to Mr. Frelinghuysen.

No. 558.] LEGATION OF THE UNITED STATES,
London, May 29, 1883. (Received June 9.)

SIR: Referring to my No. 554, of the 26th instant, I have the honor to acquaint you that I received yesterday from Lord Granville a further note upon the subject of the attacks upon the American mission schools in Bulgaria, a copy of which I herewith inclose.

I may add that I have just had an interview with the Greek chargé d'affaires, who called at the legation in pursuance of an appointment made yesterday, who informed me that his Government naturally felt itself deeply interested in this matter, in consequence of similar attacks upon Greek subjects in Bulgaria. He seemed to be of the opinion that these attacks grew out of a concerted design to prevent the establishment of all schools by foreigners in that country. I informed him that any action by my Government in this matter would probably be taken through its legation at Constantinople.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 558.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *May* 24, 1883.

SIR: I have the honor to inform you that I have received a dispatch from Mr. Lascelles, Her Majesty's agent and consul-general in Bulgaria, inclosing a report from Mr. Dalziel, the British vice-consul at Roustchouk, with reference to an attack which had been made on the house of the American missionary, Mr. Challis, at Loftcha.

Mr. Dalziel states that Mr. Challis called upon him and reported that on the 17th ultimo five apparently drunken men made an attack on his house and school at Loftcha, burst open three doors, and beat Mr. Jones, the missionary, who was in charge of the establishment. During these proceedings two Bulgarian priests are said to have been standing at a short distance off laughing, and it was believed that the outrage was incited by them.

The police were at once sent for, upon which the assailants retired, and consequently when the police arrived all was over.

Mr. Dalziel states his belief that one or two arrests have been made in consequence, and understands that Mr. Challis is about to proceed to Constantinople to lay the matter before the United States minister.

Mr. Challis also informed the British agent at Sofia of the matter, but as some persons had been arrested by the police in connection with the attack, Mr. Lascelles did not think it necessary to take any action in the matter without instructions.

I have, &c.,

GRANVILLE.

No. 231.

Mr. Lowell to Mr. Frelinghuysen.

No. 563.] LEGATION OF THE UNITED STATES,
London, June 6, 1883. (Received June 19.)

SIR: Referring to your instruction No. 564, of the 5th day of April, 1883, I have to acquaint you that on the 18th day of April last, the day of the arrival of the instruction, I addressed a note to Lord Granville in

compliance with its terms, informing him of the action I should take on the 2d of July next in obedience to a resolution of both houses of Congress of the United States, in giving notice of the termination of Articles XVIII to XXV, inclusive, and Article XXX of the treaty of May 8, 1871, between the United States and Great Britain; and that on the 28th of April last I received a reply from his lordship, acknowledging the reception of my note.

I beg to inclose herewith a copy of this correspondence.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 563.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, April 18, 1883.

MY LORD: I have received to-day, from Mr. Frelinghuysen, a dispatch inclosing the copy of a joint resolution of both houses of Congress of the United States, providing for the termination of certain articles of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871, which articles, under the protocol signed June 7, 1873, took effect on the 1st day of July, 1873, and, by the terms of the original treaty, are subject to termination by either party on two years' notice, given at the expiration of ten years from July 1, 1873. This resolution, which was approved March 3, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles numbered 18 to 25, inclusive, and of Article XXX of the treaty May 8, 1871, will terminate and be of no force on the expiration of two years next of after the time of giving such notice, which the President is further directed to give on the 1st day of July, 1883, or as soon thereafter as may be.

I am therefore instructed to comply with the directions of Congress in this matter, as set forth in the resolution, by giving the notice required; and, as the 1st day of July falls on Sunday, I am directed to give this notice on the next succeeding day. I beg, also, in compliance with further directions, to inform your lordship of the purport of this instruction, and of my contemplated action under it.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 563.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *April* 27, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant, in which you acquaint me that, in compliance with the instructions you have received from your Government, you propose to give notice on Monday, the 2d of July (the 1st July falling on a Sunday), of the intention of the United States to terminate Articles XVIII to XXV, inclusive, and Article XXX of the treaty of the 8th of May, 1871, between Great Britain and the United States, which will cease to be in force on the expiration of two years from the date of such notice being given.

I have, &c.,

GRANVILLE.

No. 232.

Mr. Frelinghuysen to Mr. Lowell.

No 605.] DEPARTMENT OF STATE,
Washington, June 7, 1883.

SIR: Acknowledging the receipt of your dispatch No. 554, of the 26th ultimo, inclosing copies of documents in relation to the protection of

American missionaries in Bulgaria by British representatives there, I have to inform you that at the request of the missionaries themselves no action will be taken at present in regard to the matter.

If hereafter pressed, the subject may require an examination of the guarantees of religious toleration under the treaty of Berlin, for the purpose of ascertaining whether its provisions extend to citizens of non-signatory powers, and if so, how those powers may take steps to ask the observance of those guarantees. I will therefore thank you to aid the Department in this investigation by making discreet unofficial inquiries in relation to the matter, and to report the result of your examinations at your earliest convenience.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 233.

Mr. Davis to Mr. Lowell.

No. 617.] DEPARTMENT OF STATE,
Washington, June 26, 1883.

SIR: With reference to previous correspondence on the subject, I inclose herewith for your information a copy of a dispatch from Mr. Wallace, the American minister at Constantinople,* reporting the action taken by the Italian, French and Austrian Governments with reference to religious intolerance in Bulgaria.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 234.

Mr. Lowell to Mr. Frelinghuysen.

[Extract.]

No. 573.] LEGATION OF THE UNITED STATES,
London, June 30, 1883. (Received July 10.)

SIR: Referring to your instruction No. 596, of the 25th of May last, in relation to the action of Her Majesty's Government in assisting the emigration of inhabitants of Ireland to the United States, in reply I have the honor to state that my attention had been naturally already drawn to the subject, but that I concluded upon reflection that there would be great difficulty here in ascertaining the facts and identifying the persons sent out, and that the laws already existing in the United States making it a penal offense to import paupers would suffice to check and remedy the evil. The class whom the Government proposed to assist were, as I had always heard and believe, to be from that one called the "congested districts" in Ireland, and were persons able and willing to work, but prevented from maintaining themselves by the unfavorable conditions of soil, climate and superabundant population. They were

* See Mr. Wallace to Mr. Frelinghuysen, No. 226, June 4, 1883, *post*.

to be precisely such immigrants as the United States had always welcomed when they came, and even encouraged to come, and great numbers of whom had been aided in coming by their relatives and friends in America, who had remitted money for the purpose. I had at one time gone so far as even to make the draft of a note of remonstrance to Lord Granville, but reflecting that I had no more stable grounds to go on than the telegraphic reports to the newspapers, I thought it wiser to wait for definite instructions from the President.

In the meanwhile, however, in accordance with your directions, I took the first occasion of speaking with Lord Granville on the subject, telling him that the exportation of paupers would be naturally resented by the people and Government of the United States, and that I should address a private note to him calling for information. This I accordingly did, and in reply received an unofficial note from him conveying a statement from Lord Spencer, the highest and most trustworthy authority, to the following effect:

We have had no desire to send emigrants to the United States; but many wished it, and we put upon them the check of requiring those asking to go there to show letters from relatives and friends indicating that they would be helped to find work.

This was carried out in no illusory way.

Remember, too, that families have been selected with a view of their being able to support themselves. As we want the scheme to succeed, it is against our policy to send out those who would fail and become paupers.

About 11,000 persons have been aided to emigrate to the United States, or have been approved of as emigrants to that country.

Very few can properly be called paupers. In some cases persons in receipt of relief in workhouses have been sent out with other emigrants, but they are a very small proportion of the whole number selected.

In some few instances the aged father or mother of the emigrant has been allowed to accompany the family, but only when there is reason to believe that the working members of the family are sufficient in number to maintain by their labor the aged persons referred to, as well as the younger children.

The practice is to give one pound for each adult, and ten shillings for each child over one year of age, as an allowance on landing; but in consequence of a report received by the local Government board on the subject of the demand for labor in the United States, instructions have been given to the emigration committee to take care that in determining upon the destinations of persons who may be selected for emigration under the provisions of the twentieth section of the "arrears of rent" (Ireland) act, the emigrants are not allowed to proceed to the United States unless they desire to join friends or relatives there and unless they can show that their friends or relatives are in a position to put them in the way of procuring employment and can help them to maintain themselves until they obtain such employment. * * *

I also addressed a note to Mr. Sidney Buxton, M. P., agent for the so-called "Tuke fund," and received from him the following reply to my questions:

Only one family (out of about eight hundred whom Mr. Tuke's fund is sending) came from the workhouse. This family was going straight to the man's father in Wisconsin. They went by the first ship, and most satisfactory letters have been received from them.

No families were sent to the States who could not produce letters from some near male relative out there promising them a welcome and help in getting work when they should arrive.

Mr. Buxton always saw the letters, so as to be sure they were of recent date and were not forged. Those people who had no friends in the States were sent to Canada, if they were suitable and willing to go. In Canada they will be met and looked after by the agent and friends of our committee.

The assistance given (in addition to the free passage) was a suit of clothes usually for every member of the family, and a sum of money (varying from £8 to £1 for a single person) to be handed to the head of each family on landing. The amount was calculated according to the length of the journey, the number in the family, ages, &c.

I may add to this statement, written on behalf of Mr. Buxton, that a late article by him, contributed to the Fortnightly, gives a detailed account of these proceedings.

I inclose, as containing additional information calculated to throw some light on the matter, a letter of Mr. J. H. Tuke, reprinted from the Times of the 15th of June, instant. * * *

I shall transmit further facts in relation to this subject as soon as I shall be able to obtain them.

I think I may, in conclusion, express my conviction that nothing could be farther from the wish of Her Majesty's Government than to promote or connive at the exportation of paupers to the United States, or to do anything that would be so surely and properly offensive to the Government at Washington.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 573.]

Mr. Tuke to the editor of the Times.

[Extract from the Times of June 11, 1883.]

HITCHIN, *June* 7, 1883.

SIR: Will you allow me, on my return from the West of Ireland, to supplement the short statement of the work carried on by the committte of the Tuke fund which appeared recently in the Times?

Since March 23, the date of the first shipment, to June 3, when the last party sailed, upwards of 800 families and a limited number of single persons—in all 4,800 souls—have been assisted by the committee, under the emigration clauses of the arrears act. In addition to ocean passage and "landing money," each emigrant had to be clothed and conveyed from the home to the port of embarkation by means of cars, carts, or boats—many of the people for a distance of from 30 to 60 miles. All emigrants for the United States have been provided with through tickets to the various destinations where friends resided who had promised beforehand to find work and a home, or to employers with whom the committee had previously made arrangements for their reception; while for those going to Canada arrangements had also been made with the agents of the Dominion Government to forward the emigrants to various places, ranging from Toronto to Winnepeg, wherever labor was demanded.

The total population of the four unions in Mayo and Galway, from which the 4,800 emigrants have been assisted, is under 50,000, and it will at once be evident that the departure of one in ten of the population, and these from the poorest and smallest holdings, must prove a very sensible relief to the existing destitution of these districts. At the same time it is of the utmost importance to recognize that these emigrants are not paupers. Deplorable as may be their want of proper food and clothing, they are neither recipients of outdoor relief, nor inmates of the workhouse, but impoverished from the entire want of employment and the impossibility of living on their small holdings.

Objections are often urged against our work, based upon the belief that the vacant holdings will be immediately filled up, and the question is repeatedly asked, "What has become of the land now vacated?" The statistics taken from one electoral division of the Clifden Union will, I think, dispel some of these objections, and, so far as my information goes, may be regarded as a fair illustration of the whole unions, unless it be that a larger proportion of holdings may remain untilled in some still poorer divisions.

Of forty-three holdings twenty-seven were held by head tenants, paying rent from 25*s.* to £5 each; seven held by under tenants; and nine held in conacre. As regards the land of the twenty-seven head tenants, nineteen of the holdings have been added to those of adjoining tenants, and eight remain unoccupied, the land being deemed too poor, or the landlord preferring to retain it without a tenant; while the lands of the seven under tenants and nine conacre men, who held by the season only, have reverted to the head tenants. So far as this evidence goes, it seems all in the right direction, viz, the consolidation of holdings, and increase in the quantity of land required for those who remain. And if, as I believe, the same beneficial results have been attained for the whole of the districts from which the 800 families who have been assisted by the committee have been drawn, it may, I think, fairly be claimed that family emigration thus conducted benefits alike those who leave and those who remain. In addition it may be said to those who dread a refilling of these miserable holdings, that the sense of the impossibility of living upon them has at length

strongly taken hold upon the minds of the people in the West of Ireland, and that, subject to the success of those who have gone forth this year, thousands more will be ready to leave if the chance is given them another year. And if, as I think, the evidence is conclusive as to the benefit conferred upon the localities from which this emigration has taken place, what, it will be asked, are the results for those who have left?

It is as yet too early to speak with any degree of certainty of these results, although many letters have been received from the emigrants who left early, speaking of the abundance of the employment and the welcome they have received from their friends. But this may undoubtedly be said, that no emigrants have left their homes in Ireland under happier auspices, with less risk of failure, or with better chances of success. Well clothed, and conveyed from their door to the port of embarkation, where they are met and have lodgings and food provided by the agents of the Government and the committee, until the ocean steamers are ready to convey them to their destinations; provided with free passages and railway tickets to any part of Canada or the United States that they may select and are approved by the committee, and on landing, met by agents appointed by the English or Canadian Government, the emigrant feels that he is cared for, and that friendly hands have been stretched out to aid and succor him; above all, among a people with whom the family tie is so paramount, the fact that the family is not divided, that husband and wife, and the long procession of older or younger "Pats and Peters, Marys and Barbaras, with Festy and 'the couple,'" are allowed to go together, gives to the "fremigration" (as it called) a wholly different character.

This deprives the embarkation of its sadness, and in the ten or twelve shipments at which I have assisted there has rarely been the painful wailing so familiar at the railway stations when one member of a family leaves alone. As I heard it remarked one day, "One would suppose the people were going for a picnic, they are so cheerful and happy." And as, at parting, they crowd with prayers and blessings around those who have had the happiness of being allowed to assist them, their gratitude is evinced in many little acts very touching to witness. That this feeling is not merely momentary, the captains of the various steamers of Messrs. Allan & Co. have borne ample evidence. One extract only I will ask you to find room for; it is from Captain Browne, of the steamship Phœnician, whose name is well known for courage and seamanship as "Atlantic Browne." It is dated May 20, 1883, steamship Phœnician, Glasgow:

"We arrived here yesterday all well, after our second trip with emigrants from Ireland, assisted by Tuke's fund, and in referring to them I feel it my duty to say something in their favor. They have on both voyages behaved themselves in a manner most creditable, always strictly observing all orders given and company's rules, which are printed in the steerage. I consider they are deserving of all praise. Before landing at Boston I gave them the money (landing) as per Mr. Tuke's list, when they appeared to be truly thankful. In fact every time I spoke to them they were very pleased and grateful to those gentlemen who had assisted them in leaving their old homesteads.

"Your obedient servant,

JOHN BROWNE."

It will also be satisfactory to those who have assisted in this movement to learn that the emigrants selected have entirely satisfied the agents of the Canadian Government on their arrival, and have even won from their opponents in the United States a very favorable notice. Mr. Stafford, the able emigration agent for the Canadian Government at Quebec, on the arrival of the fourth of our shipments, says: "The emigrants are remarkably well behaved. You have made really good selections, and the health, appearance and good conduct of the people were all that could be desired. Labor is in good demand, and I have no doubt all your people are at work."

After the violent opposition with which we were threatened by the American newspapers, it is especially gratifying to find that they have been compelled to change their curses into blessings, as the following quotation from the Boston Daily Advertiser will show:

"The much-expected 'emptying of the almshouses of Great Britain upon our shores' does not appear to have begun yet, and neither statute law nor diplomacy has been needed to be applied to assisted immigrants. The steamship Phœnician, of the Allan line, reached its dock at this port yesterday bringing 821 steerage passengers, of whom 415 had been 'assisted.' This assistance, as explained in the Advertiser of April 24, is provided in Ireland partly from a benevolent fund known as the 'Tuke fund,' and partly from the treasury of the British Government. These passengers came principally from the West of Ireland, being taken on board at ports where the agents of this line of steamers have contracted to do so. The customary strict inspection was made by the state superintendent of alien passengers or his deputy.

None were found to be objectionable on the score of being likely to become subjects of public charity, and they appeared to be a physically sound and healthy lot of people, quite up to the average of immigrants coming here without assistance. Wherein this class conspicuously differs from the general run of immigrants from Ireland, is the greater portion of children among them. Of the 415 assisted passengers of the Phœnician, 196 were of less than 15 years of age, and of the 415, there were 92 destined to different points in this State.

"The ticket which is given in Ireland to an assisted passenger conveys him to his ultimate destination. The Montana-bound party, for example, did not have to get anything more in the shape of a ticket, or the like, when they reached this port. These points of destination are not invariably a matter of option on the part of the assisted passenger. He has the option of remaining at home, but if he takes passage he must go to a point where the agent of the assisting parties has information that employment can be found on arrival. In general, they are assisted beyond the price of the passage by a gift outright of money, in varying sums of from 10s. to £12.

"So far as can be ascertained, no person of the five different arrivals of assisted passengers reaching this port since April 3 has become a 'burden to the State,' though all have paid the head-money of half a dollar. The sum total of this head-money is held as a fund by the treasurer of the United States, with due credit to Massachusetts on the books, to offset the liability which the State incurs. If any of these passengers become subjects of public charity, wherever they may be, this fund is liable to be drawn upon to maintain them. Whenever it shall be exhausted, if it so happen, the treasury of Massachusetts will be liable, but the State may at any time relieve itself of the burden by sending the pauper back to Ireland. The first lot of assisted passengers coming to this port arrived in the Phœnician on her previous voyage, April 3. The arrival of yesterday makes the fifth lot. The following table indicates the general facts of this immigration:

Description.	Phœnician, April 3.	Nestorian, April 15.	Canadian, April 28.	Austrian, May 1.	Phœnician, May 10.
Assisted passengers	213	554	511	129	415
Of fifteen years or less	85	248	224	49	196
From fifteen to twenty-five years	68	165	139	49	101
From twenty-five to fifty years.	45	97	116	94	91
Above fifty years	18	34	41	7	27
Males	123	267	270	66	205
Females	90	287	241	63	210
Families	44	81	76	17	64

Before closing, I will ask your permission to be allowed publicly to express to his excellency the lord-lieutenant, Mr. R. G. Hamilton, and Mr. Henry Robinson the deep sense of our gratitude for the unvarying kindness and assistance which they have at all times accorded to those who, like myself, have been engaged in the practical carrying out of this responsible work, and the warm interest which they have evinced has materially aided a work often both arduous and difficult. The experience of the past three or four months has more than ever confirmed the opinion that a carefully considered system of State-aided emigration is essential for the districts under consideration in the West of Ireland, and not less absolutely needed are measures for the development of the resources of these districts, if the prosperity of the whole Government and its good government are to be permanently secured.

I am, &c.,

JAMES H. TUKE.

No. 235.

Mr. Lowell to Mr. Frelinghuysen.

No. 574.] LEGATION OF THE UNITED STATES,
London, July 2, 1883. (Received July 14.)

SIR: Referring to my No. 563, of the sixth of June last, I have the honor to acquaint you that on the 26th of June last I addressed a note to Lord Granville, requesting him to appoint an hour this, the 2d day of July, when he would receive me at the foreign office in order to

accept the notice which I was instructed to give to day of the termination of certain articles of the treaty of May 8, 1871.

On the 28th of June last I received a reply from Lord Granville, saying that he would receive me at 3 o'clock to-day at the foreign office.

I accordingly went to the foreign office at the hour indicated, and delivered to Lord Granville personally the notice which was directed by the joint resolution of the Congress of the United States, approved March 3, 1883, to be given to Her Majesty's Government of the termination of Articles XVIII to XXV, inclusive, and Article XXX of the treaty between the United States and Great Britain of May 8, 1871.

I have informed you to day by telegraph of my action in the matter.

I herewith inclose copies of the correspondence above mentioned and of the notice.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 574.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
June 26, 1883.

The minister of the United States presents his compliments to the right honorable the Earl Granville, Her Majesty's secretary of state for foreign affairs, and requests that his lordship will kindly appoint an hour on Monday, July 2 next, when he will receive Mr. Lowell at the foreign office, in order to accept the notice which Mr. Lowell is instructed to give on that day of the termination of certain articles of the treaty of May 8, 1871.

[Inclosure 2 in No. 574.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *June* 28, 1883.

Earl Granville, Her Majesty's principal secretary of state for foreign affairs, presents his compliments to Mr. Lowell, the minister of the United States, and in reply to his letter of the 26th instant, begs leave to say that he will have much pleasure in receiving Mr. Lowell at the foreign office at 3 p. m. on Monday, July 2.

[Inclosure 3 in No. 574.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, July 2, 1883.

MY LORD: Referring to my note to your lordship of the 18th of April last, and to your lordship's reply of the 27th of the same month, I have the honor to recapitulate the statements I made in that note to the following effect: That I received on the said 18th of April a dispatch from Mr. Frelinghuysen, inclosing a copy of a joint resolution of both houses of Congress of the United States, providing for the termination of certain articles of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871, which articles, under the protocol signed June 7, 1873, took effect on the 1st day of July, 1873, and by the terms of the original treaty, are subject to termination by either party on two years' notice, given at the expiration of ten years from July 1, 1873. This resolution, which was approved March 3, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty of May 8, 1871, will terminate and be of no force on the expiration of two years next after the time of giving

him to communicate with the Secretary of State to ascertain what measures, if any, the Government of the United States is disposed to take to have O'Donnell, as an American citizen, properly defended at his forthcoming trial for the alleged killing of the informer Carey, and to urge upon the Secretary of State the necessity for immediate action by the United States Government to vindicate the right of citizen O'Donnell to a fair trial, as provided for under international law existing between this country and Great Britain."

Soliciting your prompt attention,

Very respectfully,

P. W. DUNNE.
DAN. O'SULLIVAN.
T. P. O'CONNER.
JNO. F. SCANLAN.
D. F. GLEESON.

Hon. JOHN F. FINERTY.

[Inclosure 2 in No. 677.]

Mr. Frelinghuysen to Mr. Finerty.

DEPARTMENT OF STATE,
Washington, October 3, 1883.

SIR: I am in receipt of your letter of the 27th ultimo, inclosing a resolution adopted at a meeting of Chicago citizens in reference to the approaching trial of Patrick O'Donnell in England, said to be a citizen of the United States.

A copy of your letter with its inclosure will be communicated to our minister in London, and he will be instructed to ascertain whether O'Donnell is a citizen of the United States, and if so, to do what is necessary to secure his proper defense.

It is not doubted that the accused will receive a fair trial according to the usual forms of law, which in England are substantially those in force in this country, and that any proper aid to that end which it is within their power to furnish will be given by the representatives of the United States in London. Such aid would be given as a matter of course, without specific instructions from this Department, to any American citizen accused of crime in any foreign country where this Government is represented.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN F. FINERTY,
Chicago, Ill.

No. 248.

Mr. Frelinghuysen to Mr. Lowell.

No. 684.] DEPARTMENT OF STATE,
Washington, October 12, 1883.

SIR: This letter will be handed to you by Messrs. William J. Hynes and William W. O'Brien, attorneys and counselors, of Chicago, Ill., who have been selected by many of their fellow-citizens of Chicago to proceed to London for the purpose of assisting as counsel in the defense of Patrick O'Donnell, accused of the murder of James Carey. It is stated that O'Donnell is a naturalized citizen of the United States, but the Department possesses no official information on that point. If satisfactory evidence is adduced to you that O'Donnell is a citizen of the United States, it is desired that you will use such efforts as in your own judgment you properly may, to secure for Messrs. Hynes and O'Brien such judicial courtesies as will enable them to fulfill the object of their visit. It is of course understood that in England, as in this country, the executive branch of the Government has no control over judicial proceed-

ings. This request is made at the instance of Senator John A. Logan and four members of the House of Representatives from Illinois.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 249.

Mr. Hoppin to Mr. Frelinghuysen.

No. 632.] LEGATION OF THE UNITED STATES,
London, October 12, 1883. (Received October 23.)

SIR: I have the honor to acknowledge the reception of your instruction No. 675 of the 1st instant, addressed to Mr. Lowell, and to transmit a copy of the recent correspondence between this legation and Lord Granville in relation to the subject of that dispatch.

On the 5th of September last we received your dispatch No. 653 of the 20th of August last. This was accompanied by a copy of Mr. French's letter of the 1st of August, and by Messrs. Law and Thayer's report to Mr. Folger of the 21st of July last, but by no other documents.

On the 6th of September last Mr. Lowell addressed a note to Lord Granville, inclosing a copy of the report of the Treasury Cattle Commission.

On the 12th of September last Lord Granville acknowledged the reception of this note.

I have to-day received your instruction No. 675 of the 1st instant, inclosing a copy of Mr. French's letter of the 1st of August last and of the report of the Treasury Cattle Commission, both of which had already been forwarded in your No. 653. I also transmitted a copy of a further letter from Mr. French, dated on the 20th of August, 1883, and copies of the circulars of the 8th of June and of the 4th of August last.

I have lost no time in calling Lord Granville's attention again to this subject, and I beg to inclose a copy of all the recent correspondence in relation to it.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 632.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, September 6, 1883.

MY LORD I have the honor to acquaint you that I have recently received from Mr. Frelinghuysen a dispatch inclosing a letter from the Acting Secretary of the Treasury, forwarding a report on the subject of the foot-and-mouth disease made by the United States Treasury Cattle Commissioners, in which it is stated that the disease does not prevail among the cattle of the American herds.

In compliance with Mr. Frelinghuysen's instructions to bring the substance of the report to your lordship's attention, I have the honor to inclose a copy of it herewith.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 632.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *September* 12, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, respecting the freedom of the cattle in the United States from foot-and-mouth disease. I have not failed to communicate your note to the proper department of Her Majesty's Government.

I have, &c.,

GRANVILLE.

[Inclosure 3 in No. 632.]

Mr. Hoppin to Lord Granville.

LEGATION OF THE UNITED STATES,
London, October 12, 1883.

MY LORD: Referring to Mr. Lowell's note of the 6th of September, and to your lordship's reply of the 12th of September last, in relation to the existence of foot-and-mouth disease among the cattle of the United States, I have the honor to acquaint you that a dispatch has been received to-day at this legation from Mr. Frelinghuysen, in which he incloses a copy of a letter to the Department of State from the Acting Secretary of the Treasury, referring to a statement alleged to have been made recently in the House of Commons by Mr. Dodson, chancellor of the duchy of Lancaster, to the effect that the American quarantine system in reference to cattle diseases gives no security against the conveyance of the disease by men attached to quarantine stations and by articles taken out of quarantine yards, and that the system takes into consideration only the animals themselves. The Acting Secretary of the Treasury calls attention to the report of the Treasury Cattle Commission of the 21st of July last in regard to the foot-and-mouth disease among the cattle of the United States, which, while it admits that this disease did exist in herds of cattle imported from Great Britain, emphatically denies its present existence among American cattle.

A copy of this report was inclosed in Mr. Lowell's note to your lordship of the 6th of September last.

I have the honor to forward herewith a copy of this letter from the Acting Secretary of the Treasury, dated on the 20th of August last, of the letter from the same officer dated on the 1st of August last, and of the two circulars accompanying the former communication; and I beg leave, in compliance with Mr. Frelinghuysen's instructions, to invite the special attention of Her Majesty's Government to the stringent regulations governing the quarantine of cattle which are established by those documents.

I have, &c.,

W. J. HOPPIN.

No. 250.

Mr. Frelinghuysen to Mr. Hoppin.

No. 685.] DEPARTMENT OF STATE,
Washington, October 13, 1883.

SIR: I inclose herewith for your information copies of the correspondence in relation to the request of the Hon. John A. Logan and other members of Congress for a letter from this Department to Mr. Lowell, on behalf of Messrs. W. J. Hynes and W. W. O'Brien, attorneys and counselors of Chicago, who have been selected by many of their fellow-citizens of that city to proceed to London to assist as counsel in the defense of Patrick O'Donnell, accused of the murder of James Carey.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 685.]

Messrs. Logan and others to Mr. Frelinghuysen.

CHICAGO, *October* 7, 1883.

DEAR SIR: We herewith inclose a request made to us by a portion of our constituents, to which we most respectfully call your attention.

The attorneys and counselors at law mentioned therein, to wit, the Hon. William J. Hynes and the Hon. William W. O'Brien, are gentlemen of honorable reputation. We therefore beg leave to suggest to the honorable Secretary of State that, if not inconsistent with the proprieties of diplomatic relations, he will be kind enough to furnish the gentlemen named such letters to the American legation in London, authorizing the latter to ask of the proper authorities of Great Britain that these attorneys and counselors at law be extended the courtesy of being permitted to appear in court for and on behalf of Patrick O'Donnell, charged with the murder of James Carey on the high seas, provided said Patrick O'Donnell is a *bona fide* citizen of the United States, asking that said attorneys and counselors at law may be permitted to appear for him before the court in his defense.

Very respectfully,

JOHN A. LOGAN.
GEO. E. ADAMS.
R. W. DUNHAM.
JOHN F. FINERTY.
GEO. R. DAVIS.

Hon. F. T. FRELINGHUYSEN,
Secretary of State, Washington, D. C.

CHICAGO, *October* 9, 1883.

SIR: As Senator Logan will be out of town for some weeks, the reply of the Department to the inclosed documents may be sent in care of Hon. George E. Adams, M. C., Bryan block, Chicago.

Respectfully,

SECRETARY OF COMMITTEE.

The Hon. SECRETARY OF STATE,
Washington, D. C.

CHICAGO, ILL., *October* 6, 1883.

GENTLEMEN: We, the undersigned, being a committee appointed at a meeting of citizens of the city of Chicago and State of Illinois, and your constituents, respectfully request that you ask the Department of State, at Washington, to furnish Hon. William J. Hynes and Hon. William W. O'Brien, attorneys and counselors at law of this city, with a letter to the American legation in London, England, authorizing the latter to ask of the British authorities the courtesy of allowing the said attorneys and counselors at law to appear for Patrick O'Donnell, now charged with the murder of James Carey on the high seas, and participate in the defense of the accused, if the said Patrick O'Donnell is a *bona fide* American citizen and sets up that claim.

Very respectfully,

P. W. DUNNE.
THOMAS P. O'CONNER.
JNO. F. SCANLAN.
D. F. GLEESON.
JOHN GUERIN.

Hons. JOHN A. LOGAN, *Senator of the United States;*
H. W. DUNHAM,
GEORGE H. DAVIS,
JOHN F. FINERTY, and
GEORGE E. ADAMS,
Representatives in Congress.

[Inclosure 2 in No. 685.]

Mr. Frelinghuysen to Messrs. Logan and others.

DEPARTMENT OF STATE,
Washington, October 12, 1883.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 7th instant, inclosing one addressed to you by several gentlemen of Chicago, constituents of yours, in the interest of Patrick O'Donnell, who is about to be tried in London for the alleged murder of James Carey.

I perceive no objection to giving Messrs. Hynes and O'Brien a letter to Mr. Lowell, the minister of this Government in London, requesting him, on being satisfied that O'Donnell is an American citizen, to do what he properly may in securing such courtesies for these gentlemen as are allowable in connection with the proceedings against him. It is proper to say, however, that I understand from information, unofficially received, that the rule in capital cases in England is to hear only two counsel for the defense, and it is also well known that in that country, as in this, the executive authorities exercise no authority or power whatever in regard to such trial and procedure, and that the whole matter, there as here, rests in the discretion of the court.

It is also understood that in addition to the Hon. A. M. Sullivan, M. P., who has been retained for O'Donnell, two distinguished members of the New York bar, General Pryor and ex-Judge Fullerton, are to take part in the defense.

I inclose, herewith, a letter to Mr. Lowell, to be handed to that minister by Messrs. Hynes and O'Brien.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

Hons. JOHN A. LOGAN,
GEORGE E. ADAMS,
R. W. DUNHAM,
JOHN F. FINERTY,
GEORGE R. DAVIS,
Chicago, Ill.

No. 251.

Mr. Frelinghuysen to Mr. Lowell.

No. 688.] DEPARTMENT OF STATE,
Washington, October 16, 1883.

SIR: Answering your dispatch No. 615, of the 28th of August last, I have to instruct you to inform Earl Granville that Her Majesty's Government correctly understands the intention of the United States Government to be that the provisions of Article XXXII of the treaty of Washington which relate to Newfoundland shall cease to be in force and operation at the same time as the articles recited in the notice of termination given by you on the 2d of July last, which relate to the Dominion of Canada.

His lordship's inquiry of the 22d of August does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of this Government as to the scope of the notice of termination so given. For your information I may, however, observe that, while the treaty itself does not in terms provide for terminating Article XXXII, that article, so far as it concerns the extension of the fisheries stipulations to Newfoundland, is dependent wholly upon the articles specified as terminable, and that such extension can only last so long as the privileges to be extended continue to exist, as they do, by virtue of the treaty and of the ascertained and proclaimed fact of legislation being in force for the execution of the treaty in both the United States and Newfoundland. The United States statute to that end, of March 1, 1873, in terms continues effective so long as the specifically terminable articles of the treaty shall continue, and no longer. The thirty-second article therefore loses all valid operative force with the removal of the sole bases of conjoined treaty and legislation upon which it rested.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 252.

Mr. Frelinghuysen to Mr. Lowell.

No. 690.] DEPARTMENT OF STATE,
Washington, October 18, 1883.

SIR: For your information and for use in connection with the general instructions heretofore sent to you on the subject, I inclose herewith a copy of a letter, dated the 11th instant, and its inclosures, received from the Secretary of the Treasury, in regard to the deportation of pauper emigrants from various European countries to the United States.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 690.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
October 11, 1883. (Received October 12.)

SIR: I have the honor to transmit herewith a copy of a report from the collector of customs at Buffalo, N. Y., dated the 20th ultimo, as also of certain extracts from a letter dated the 14th ultimo, addressed to said collector by the keeper of the Erie County Almshouse, in relation to the deportation of pauper emigrants from various European countries directly to the United States, as also indirectly by way of Canada.

I beg to invite your consideration of the subject-matter of said documents, and, if you deem it admissible, to request that you bring the facts elicited therefrom to the attention of the foreign Governments concerned.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

[Inclosure 2 in No. 690.]

Mr. Gould to Mr. Folger.

CUSTOM-HOUSE, BUFFALO, N. Y.,
Collector's Office, September 20, 1883.

SIR: Respectfully referring to Department letter of the 3d instant (8134 D. L.), relating to the return to Canada of two Irish pauper immigrants who arrived at Quebec by vessel and came thence to the United States by rail, I have to state that immediately on receipt of Department letter I requested the keeper of the Erie County Almshouse to furnish me a statement of the facts coming to his knowledge in the cases which were the subject of Department letter above named and his report inclosed.

Mr. Busch, who makes the report, is in a better position to obtain accurate information on the subject than any other person within my knowledge. Mr. Busch, in his report, names 46 insane and pauper emigrants from various European countries who had, in most cases, been sent with Government or municipal aid to the United States and who were returned from the Erie County Almshouse to the countries from whence they came, between August 8, 1880, and August 4, 1883.

These cases, however, with two exceptions, have no direct bearing on the inquiry of the Department, as the persons arrived in the United States at the ports of New York and Boston, and came to Buffalo from those ports. The exceptions are, viz:

Case No. 3, John Byrne, age thirty-nine, cripple and pauper, arrived in the United States in September, 1880, by rail from Quebec, where he landed from an English vessel. He was ticketed through from Ireland to Buffalo via Quebec, and his ticket and £5 were furnished by the Government authorities. He was returned to Ireland September 11, 1880, by the State board of charities.

Case No. 23, Louisa Weingerten, vagrant and prostitute, from Switzerland via Quebec, in March, 1882, transportation furnished by the Swiss Government. She was returned to Switzerland by the State board of charities. In addition to the 46 cases

enumerated by Mr. Busch in his report, he states that on the 17th of August last the following persons were received into the Erie County Almshouse as paupers, viz:

James Cloharty, age sixty years, with wife and four children, and Michael Cunningham, with eight children, from one to eighteen years of age.

These persons, who came from County Galway, Ireland, were landed from steamship at Quebec, and were furnished with transportation to that place by the authorities in Ireland.

On arrival at Quebec they were separated from the remainder of the immigrants who arrived on the same vessel, and furnished by the Canadian authorities with railroad transportation from Quebec to Buffalo. The statement of these persons to Mr. Busch was that nearly the whole ship's load of immigrants arriving with them had been assisted by the authorities in Ireland, but the ultimate destination of the others was unknown to them but was believed to be the United States.

On the 31st of August last two paupers, Bridget Haley, age sixty, and son Owen, age sixteen, were received at the Erie County Almshouse. They landed at Quebec about two weeks after the landing of Cloharty and Cunningham, and the statement made by them was in substance the same as that made by Cloharty and Cunningham.

Paupers Cloharty and Cunningham and their families were returned to Canada by Mr. Busch on the 20th of August, 1883.

Mr. Busch has stated to me that the persons herein named as having been landed from on board ship at Quebec first arrived in the United States at the port of Suspension Bridge via the Grand Trunk Railway of Canada, and came thence by rail to Buffalo.

I have no doubt of the correctness of this statement, as the route via Suspension Bridge to Buffalo is much more direct than that via the International Bridge.

I am, &c.,

CHARLES H. GOULD,
Collector.

[Inclosure 3 in No. 690.]

Mr. Busch to Mr. Gould.

ERIE COUNTY ALMSHOUSE,
Buffalo Plains, N. Y., September 14, 1883.

DEAR SIR: Yours of the 7th instant at hand relative to alien paupers met with at this port. I herewith give you a statement briefly describing each individual case and the dispositions made thereof. * * *

No. 3, John Byrne, thirty-nine, Ireland, had been a cripple for nine years past, was furnished with transportation to the United States by Government authorities, ticketed to Buffalo, N. Y., via Quebec, and given five pounds in money; a hopelessly dependent case; was returned to Ireland September 11, 1880, by the State board of charities. * * *

No. 10, Thomas Cox, twenty years, a cripple since childhood, was provided with transportation to the United States by poor authorities and charitable associations; returned to England February 2, 1881, by the State board of charities. * * *

No. 13, Rosa Verena Lehner, twenty-two, Switzerland, imbecile, hysterical vagrant, and prostitute; transportation to the United States provided by the Swiss Government; landed at New York; returned to Switzerland by the commissioners of immigration May 6, 1881. * * *

No. 23, Louisa Weingerten, twenty-eight, Swiss vagrant and prostitute; transportation to the United States provided her and two others of same character by the Swiss Government, which required of them to sign papers releasing the said Government from any further claims; landed at Quebec; returned March 10, 1882, through State board of charities. * * *

No. 25, John Varaga, twenty, Austria, idiot; transportation to the United States provided by Government; returned March 10, 1882, through State board of charities. * * *

Nos. 39 and 40, Thos. Kennedy and wife Ellen, aged forty-five and thirty-two years, respectively, Ireland, hopelessly dependent cases, assisted by British Government, landed at New York; returned to Liverpool, England, January 31, 1883, through State board of charities. * * *

In addition to the above-mentioned alien cases returned to European houses, we have received at this institution alien paupers sent via Quebec, through Canada, which were returned to Canadian provinces, as follows: James Cloharty, aged sixty years, a dull, ignorant man, his wife, three daughters, and one son; and Michael Cunningham, with eight children, ranging in age from eighteen years to eleven months, all from the county Galway, Ireland. The wife of Michael Cunningham is an inmate

[Inclosure 4 in No. 648.]

Affidavit of Mary Brennan.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Brennan, being duly sworn, deposes and says: That she is a native of Cahirciveen, county of Kerry, Ireland, and arrived at the port of New York, June 24, 1883, per steamship Furnessia, from Liverpool, via Valencia, Ireland. That she* has two children with her, aged 17 and 5½ years, respectively, who are illegitimate; that she has been an inmate of the workhouse in Cahirciveen, county Kerry, Ireland, almost for the last twenty years; the last time two years consecutively; that her oldest child for the last year earned her own living as servant; that her and her children's passage was paid to New York by the clerk of the union, Michael J. Driscoll, who also gave her money-order for £3 10s. sterling on Henderson Brothers, 7 Bowling Green, New York City, agents of the above vessel; that she has no relatives or friends in America —says she has a son who is a British soldier stationed in Canada.

her
MARY × BRENNAN.
mark.

Sworn to before me this 25th day of June, 1883.

THOMAS McQUADE,
Notary Public, New York.

[Inclosure 5 in No. 648.]

Affidavit of Mary Lynch.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Lynch, being duly sworn, deposes and says: That she is a native of Cahirciveen, county Kerry, Ireland, and arrived at the port of New York June 24, 1883, per steamship Furnessia, from Liverpool via Valencia, with her mother, Mary Brennan, their passages having been paid by the English Government. That deponent suffers from chronic throat disease, which at intervals renders her for weeks unable to work; that she believes she cannot make a living for herself in the United States, and desires to return with her mother to Ireland. That deponent is sixteen years old, and was, the greater part of her life, an inmate of Cahirciveen workhouse.

MARY LYNCH.

Sworn to before me this 30th day of June, 1883.

WILLIAM CONNOLLY,
Notary Public, New York.

[Inclosure 6 in No. 648.]

Affidavit of Mary Clifford.

[Office of the Commissioners of Emigration, Castle Garden, New York.]

STATE OF NEW YORK,
City and County of New York, ss:

Mary Clifford, being duly sworn, deposes and says: That she is a native of Cahirciveen, county Kerry, Ireland, and arrived at the port of New York June 24, 1883, per steamship Furnessia, from Liverpool via Valencia, with her two illegitimate children, aged respectively four and two years. That she has been for five years an inmate of Cahirciveen workhouse. That she did not desire to come to the United States, but was forced to emigrate by the board of guardians of the poor, under threat of expulsion from the workhouse if she refused. That she was given free passage to New York by the English Government, and a draft for one pound ten shillings, on Henderson Bros. That the master of the workhouse, Jeremiah Galvin, took deponent and

* Mary Lynch.

granted to some other person bearing the not unusual name of Patrick O'Donnell, or that it was fraudulently obtained by the prisoner.

Mr. Lowell is further instructed, in case it is ascertained that O'Donnell is a citizen of the United States, to do whatever is necessary to secure his proper defense.

It is possible that the Department of State may decide that the simple fact of the prisoner's possessing a certificate of naturalization in his own name is sufficient proof of his citizenship without regard to the antecedent facts. I have, therefore, to consider whether it is necessary for me to take any further steps than have been taken to secure his proper defense.

It appears that a competent solicitor, Mr. Guy, and a distinguished barrister, Mr. Sullivan, have already been retained by O'Donnell's friends, and are actively engaged in his case. It is stated that the services of Mr. Charles Russell, Q. C., M. P., have also been bespoken, and that Mr. Pryor and Mr. Fullerton, eminent counsel from America, are to act here in his behalf. His trial has been postponed until November, giving ample time for the production of witnesses.

Under these circumstances it seems to me that O'Donnell's defense has been properly secured, and that it is not necessary for me to take any further steps in that direction. If, however, the Department should think it desirable that I should employ additional counsel in this matter at the expense of the Government of the United States, I respectfully request that I may be directed by telegraph to do so.

It is proper for me to refer, in this connection, to my No. 625, of the 24th ultimo, in which I informed you of my having declined to employ counsel to defend O'Donnell, except under instructions from the Department.

I think it is hardly necessary for me to show the immense inconvenience if not absolute impracticability of providing, as a matter of course, professional assistance for destitute American citizens accused of crime in all parts of the United Kingdom. Such action would throw upon the legation judicial duties which would materially interfere with its legitimate work, and would entail great expense upon the Government. It does not seem to me that any serious argument is needed on this point, but I may refer to Mr. Adams's No. 1490, of the 7th of December, 1867, to Mr. Seward, in which a special application to the Department was judged to be necessary for permission to engage counsel to defend one Ricord O. S. Burke, whose claims to protection were much clearer and stronger than those of O'Donnell.

I shall send this dispatch by mail to avoid delay.

I have, &c.,

W. J. HOPPIN.

No. 254.

Mr. Frelinghuysen to Mr. Lowell.

[Telegram.]

WASHINGTON, *October* 20, 1883.

Mr. Frelinghuysen instructed Mr. Lowell to immediately ascertain and report by telegraph whether O'Donnell is an American citizen.

No. 255.

Mr. Hoppin to Mr. Frelinghuysen.

[Telegram.]

LONDON, *October* 22, 1883.

Mr. Hoppin acknowledged the receipt of Mr. Frelinghuysen's telegram of the 20th, and stated that he had seen O'Donnell; that O'Donnell claims citizenship through his father's naturalization during his own minority, but that for greater security he took out papers to vote at Presidential election in 1876, at Ironton, Ohio. On that occasion his necessary previous residence and his character were proved by Michael McGinley, who was then employed in the steel rolling mills in that place. O'Donnell further says that he resided in the United States continuously seven years before the date of the naturalization certificate, and that he repudiates any knowledge of the *alias* Michael. Mr. Hoppin states that he was impressed by the apparent truth of O'Donnell's statements, but suggests referring to the witness McGinley.

No. 256.

Mr. Hoppin to Mr. Frelinghuysen.

No. 641.] LEGATION OF THE UNITED STATES,
London, October 23, 1883. (Received November 3.)

SIR: On Sunday, the 22d instant, one of Mr. Lowell's servants brought me a telegram in cipher from you, which had been received the previous night, of which the following is the translation. [See telegram of October 20, printed *ante*.]

This message was addressed [by telegraph officers in London] to the private residence of the minister. It is fortunate that he had left servants in his house during his absence on the Continent; otherwise there would have been great delay in the telegram reaching me.

In my No. 637 of the 18th instant I stated that I had come to the conclusion, if the accounts of the police authorities were true, that O'Donnell had not resided continuously in the United States for the five years next preceding the date of his naturalization certificate, and that consequently the certificate in his possession was either granted to some other person bearing the same name, or had been illegally obtained.

I desired, however, to have more precise information upon this point of continuous residence, and also to understand why the certificate stated that O'Donnell had come to the United States before he was eighteen years of age. I therefore requested the police authorities to make further and more exact inquiries on these two questions, which they promised to do.

Upon the reception of your telegram, I decided not to wait for their further report, and as it would be fair and just to hear O'Donnell's own account of the matter, I made up my mind, although such a course is quite unusual, and would be very disagreeable, to have a personal interview with him myself. I therefore at once obtained the necessary permission from the home office, and at half past 1 o'clock yesterday I went to Newgate, accompanied by Mr. Hodson, the messenger of the legation, who was to take notes of the conversation.

I found O'Donnell to be a quiet, mild-looking, undemonstrative man, with a strong Irish accent and possessed of a fair degree of intelligence, although quite illiterate. He gave a reasonably clear and tolerably connected statement of his life in the United States, mispronouncing the names of localities, but not to such an extent as to throw any suspicion upon the fact of his having lived in the places indicated. He said he was born at Gwedore, county Donegal, Ireland, and that, "as near as he could reckon," he was forty-eight years of age. He could not remember the exact date at which he went to the United States with his mother—his father had gone there previously—but believed it was when he was between four and six years of age, and that he resided with his parents at "Janesville," Pa. He came to Ireland again when about twelve years of age and returned to the United States in 1861, "on my own hook," as he said, and "worked on a new railroad at Holly, in York State" (presumably Hawley's Railroad). From thence he went to Wilkes Barre, Pa., in 1862, afterwards working in a coal mine at Buck's Mountain and on a dam at Newhaven in the same State. He said he endeavored on three occasions to enter the United States Army, but was rejected on account of some injury or disease in his left arm. In 1864 he was employed as a teamster in a United States Government supply train on the plains in Colorado. He then went to the "Grava diggings," near Saint Louis, which he left in 1867 and returned to Ireland, where he resided for three or four years at Gwedore, after which he went to the United States again and worked at Lobdell's foundry, Wilmington, Del.; then at Dupont's gunpowder factory, Brandywine, and at a rolling mill at "Arrasokway," Northampton County, near Allentown, Pa., where he staid about two years; proceeding thence to Ironton, Lawrence County, Ohio, in the spring of 1873. He remained there about three years and went then to Newport, Ky., where he took the ague, which compelled him after a short period to return to Ironton and subsequently to become an inmate of Penn's Hospital, Philadelphia, for three or four months. After the Presidential election in 1876 he came back to Ireland, and returning to the United States after two or three years went to work on the "Town lake" and sewers in Chicago, Ill.

He says his father became a naturalized citizen while he, Patrick, was a minor. He, himself, voted as a citizen on more than one occasion at State elections, and because his vote was challenged at Ironton he took out naturalization papers in 1876 in order to vote without being challenged at the Presidential election of that year. He had had a continuous residence in the United States of about seven years previous to that time. He says all these facts can be proved by Michael McGinley, his witness at the time of his naturalization, if still alive. McGinley worked at the steel rolling mills at Ironton and was a well-known citizen there, and could probably give also the present whereabouts of Hugh Dugan, his other witness on the occasion above mentioned.

It is of course impossible for me to verify O'Donnell's statement that his father was naturalized while he, Patrick, was yet a minor. Perhaps this could be proved by McGinley. If this be true it would seem that Patrick's subsequent return to Ireland and residence there for thirteen or fourteen years would not invalidate his claim to citizenship. At any rate he appears to have elected to consider himself a citizen after his return and voted at elections. I cannot avoid concluding, however, that the certificate of naturalization, a copy of which I inclose herewith, was improperly issued according to O'Donnell's own statement. Section 2167 of the Revised Statutes provides that "*any alien being under*

the United States, Michael McGinley and Hugh Lugan having appeared as witnesses to his residence and character.

I thereupon addressed a letter to the deputy governor of Millbank Prison, stating that it appeared by papers in the hands of the police that Patrick O'Donnell was a citizen of the United States, but that the fact of the prisoner's Christian name being uncertain threw some doubt upon his identity with the person to whom the certificate had been granted.

I added that, supposing the prisoner's citizenship had been established, I did not consider it to be the duty of the United States Government under ordinary circumstances to provide professional legal assistance for one of its citizens accused of crime in Great Britain, even if he were destitute of means, and that there seemed to be nothing in this case to make it an exception. I stated, also, that I was informed by the public journals that a considerable amount of money had been subscribed by O'Donnell's friends to provide for his defense; and finally, that under these circumstances, I must decline to accede to his wishes to instruct some one to defend him, except under directions from the Department of State.

I inclose a copy of this correspondence.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 625.]

Mr. Mitchell to Mr. Lowell.

UNITED STATES CONSULATE-GENERAL,
11. ABCHURCH LANE, KING WILLIAM STREET,
London, E. C., September 20, 1883.

SIR: I beg to inclose herewith a letter addressed to this consulate-general by W. H. Russell, deputy governor in charge, Millbank Prison, S. W., on the part of Michael or Patrick O'Donnell, who is charged with the murder of J. Carey.

The case presented by the letter is clearly one that does not fall within the scope of the duties of his office, and is therefore most respectfully submitted to you for consideration.

I am, &c.,

L. H. MITCHELL,
Vice and Deputy Consul-General.

[Inclosure 2 in No. 625.]

W. H. Russell to the American consul.

MILLBANK PRISON, S. W.,
September 19, 1883.

SIR: Michael or Patrick O'Donnell, the prisoner now in my custody under remand from Bow street police court, charged with the murder of J. Carey, states that he is an American citizen, and has papers in the hands of the metropolitan police to prove his citizenship.

He is most anxious to have a solicitor appointed to undertake his defense, and as he (the prisoner) is unable to write, he has asked me to inform you of the above, and request you to instruct some one to defend him. The prisoner has no friends in England.

I have, &c.,

W. H. RUSSELL,
Deputy Govenor in charge.

No. 258.

Mr. Hoppin to Mr. Frelinghuysen.

No. 647.] LEGATION OF THE UNITED STATES,
London, October 30, 1882. (Received November 12.)

SIR: Referring to my No. 641, of the 23d instant, I have the honor to acquaint you that O'Donnell, upon my interview with him on the 22d instant, was unable to tell me when or where his father was naturalized. I omitted to ask him, as I should have done, what was his father's Christian name, and whether he continued to reside at Janesville, and, if not, where he lived after he removed from there.

As I was informed that he was no longer living, but that Mrs. O'Donnell was residing with some of the family in Ireland, and as it was clearly for the advantage of the son to have the facts as to his father's naturalization ascertained, I addressed a note to his solicitor, Mr. Guy, on the 24th instant, asking him to aid me in this matter. To this note he replied on the 26th instant. I inclose a copy of this correspondence, by which you will observe that he virtually declines to make the inquiries that I suggested.

As it seems quite certain that the certificate of November 6, 1876, was issued to the prisoner, and not, as I once thought possible, to some other person of the same name, and as the Department of State will probably be governed by the opinion of Attorney-General Williams in Levy's case (14 Op., 509, 1874, Williams) and in other cases since, that the finding of the court of probate as to the facts and conditions entitling O'Donnell to citizenship had the effect of a judgment and was conclusive, it is perhaps unnecessary to press these inquiries any further. I fear at any rate that I cannot, until after long delay, obtain any additional information in London in regard to the naturalization of the father of the prisoner.

I respectfully request to be instructed whether under these circumstances I shall consider the question of O'Donnell's American citizenship to be settled in his favor.

I have, &c.,

W. J. HOPPIN.

[Inclosure 1 in No. 647.]

Mr. Hoppin to Mr. Guy.

LEGATION OF THE UNITED STATES,
London, October 24, 1883.

SIR: Having been instructed by the Department of State to ascertain the citizenship of O'Donnell, I obtained permission from the home office and went to see him on the subject on Monday.

He claims citizenship upon the ground of his father's having been naturalized in the United States, while he, Patrick, was yet a minor. He did not know when or where his father was naturalized.

I omitted to ask him as to certain facts which might enable us to ascertain the proper dates. Will you, therefore, be kind enough to inquire of him and to reply as soon as practicable as to:

1. His father's name.
2. Is he still living?
3. Where it is probable in the United States that he took out his naturalization papers.
4. His mother's name.

5. Is she still living, and where does she reside?
5. Would any of his family know the facts in the matter, and where may they be found?

I am, &c.,

W. J. HOPPIN,
Chargé d'Affaires ad interim.

CHARLES J. GUY, Esq.,
Solicitor, &c., &c., &c.

[Inclosure 2 in No. 647.]

Mr. Guy to Mr. Hoppin.

C. J. GUY, SOLICITOR, &C.,
London. October 26, 1883.

SIR: I have had the honor to receive your favor of the 24th instant, and in reply I beg to say that I regret you did not consult Mr. O'Donnell's solicitor before you had the interview with him, as well because one situated as he is should not be approached except in the presence or by leave of his legal adviser, as for the reason that you would have thus obtained more satisfactory information than you appear to have elicited from the prisoner. Harassed as he has been by detectives, and not knowing whom to trust, it is not surprising that he refused to communicate to an unaccredited stranger the real facts of his naturalization.

The details you solicit from me can be got only from America, and I shall obtain and communicate them at the earliest possible moment. Meanwhile you and your Government may rest assured that Mr. O'Donnell *is* an American citizen.

I have to add that I am informed by Mr. O'Donnell, that, yielding to continued pressure on him by the jail authorities (and at a time, when, concealing from him that his family and friends had engaged legal advocacy for him, they led him to believe he was without any other resource), he assented to an application of some sort being made to your embassy.

As my client is unable to read or write, and thus unable to check anything purporting to have been written in his name, and the more especially as something purporting to be a reply from your embassy was read to, but not given to him, I beg now, as his solicitor, to request that you will favor me with a copy of any correspondence which has taken place on this subject.

I am, &c.,

CHARLES J. GUY,
Solicitor for Patrick O'Donnell.

W. J. HOPPIN, Esq.,
United States Legation, Victoria street, Westminster,
Chargé d'Affaires ad interim.

No. 259.

Mr. Hoppin to Mr. Frelinghuysen.

[Telegram.]

LONDON, *October* 31, 1883.

Mr. Hoppin telegraphed to Mr. Frelinghuysen that O'Donnell says he never enlisted in the Army; was only a teamster. Police reports wrong in this and other matters. Mr. Hoppin referred to his dispatch of the 23d October, and added that he had made unsuccessful attempts to ascertain the place and date of the naturalization of O'Donnell's father, and fears that he cannot obtain further information from the prisoner or solicitor.

No. 260.

Mr. Hoppin to Mr. Frelinghuysen.

[Telegram.]

LONDON, *November* 1, 1883

Mr. Hoppin telegraphed to Mr. Frelinghuysen that a police officer brings later accounts, stating that O'Donnell left Ireland in the spring of 1846, with his parents, his brother, and sister; that in 1852 he came back and probably returned to America at the time of the war, as they say; that two or three times he took bounty and deserted, never belonging to any regiment. In 1867–'68 he returned for the second time to Ireland, and he lived with his parents until the spring of 1871, when he went back to America.

No. 261.

Mr. Hoppin to Mr. Frelinghuysen.

[Extract.]

No. 652.] LEGATION OF THE UNITED STATES,
London, November 2, 1883. (Received November 16.)

SIR: Referring to my No. 647, of the 30th ultimo, I have the honor to acquaint you that a police inspector called at the legation yesterday and brought me information respecting O'Donnell, which corrects, to some extent, that previously supplied by the police authorities, and confirms, in some particulars, the statement of O'Donnell himself. As it also contains a few new facts, I thought it of sufficient importance to communicate by cable, and therefore sent you a cipher telegram, the translation of which is as follows. [See telegram of November 1, printed *supra*.]

The inspector said that this information was probably obtained from O'Donnell's relatives in Ireland. You will observe a discrepancy between this statement and his own respecting his first visit to the United States. He said that this was when he was "four or six" years old, which, if his age is now forty-eight, must have been in 1839 or 1841. The police state that it was when he was nine years old, and was in the spring of 1846, making his age now to be forty-six. Whichever account be correct, it is evident that between his first arrival in the United States and his application for naturalization in 1876, he had lived at different times, for many years, in Ireland.

In addition to what I stated in the telegram, the police report that from 1867 or 1868, until the spring of 1871, he lived on the farm in Ireland with his father and mother, in an adjoining house to theirs, where he kept a huckster's shop. He was married after his arrival in 1867 or 1868, in Ireland.

* * * * * * *

[The paragraphs omitted relate to an inquiry made by an attorney in Mississippi, as to the supposed identity of the prisoner with another individual of the same name. This supposition proved unfounded.]

The police inspector whom I mentioned at the commencement of this

dispatch promised me to cause inquiries to be made in Ireland as to the date and place of O'Donnell's father's naturalization in America, but I have very slight hope of obtaining any information there upon this subject.

I have, &c.,

W. J. HOPPIN.

No. 262.

Mr. Hoppin to Mr. Frelinghuysen.

[Telegram.]

LONDON, *November* 10, 1883.

Mr. Hoppin telegraphs to Mr. Frelinghuysen that officer of police reports information given in Donegal by O'Donnell's family that his father's name was Michael; that the father lived in Pennsylvania while in America, being in Philadelphia and along the banks of the Delaware chiefly; that the father was never a naturalized citizen, and that he died some eighteen years ago.

No. 263.

Mr. Hoppin to Mr. Frelinghuysen.

No. 658.] LEGATION OF THE UNITED STATES,
London, November 13, 1883. (Received November 27.)

SIR: Referring to my No. 652, of the 2d instant, I have the honor to acquaint you that I received a visit on the 10th instant from Police Inspector Littlechild, who gave me the following information, which the agents of the force had obtained at Letterkenny, county Donegal, Ireland, chiefly from the relatives of Patrick O'Donnell:

1. Patrick O'Donnell's father's name was Michael.
2. He is dead about eighteen years.
3. P. O'Donnell's father was never a naturalized American citizen.
4. Whilst in America he lived in the State of Pennsylvania, chiefly at Philadelphia and up along the banks of the Delaware.

I communicated the substance of this information to you on the same day by a telegram in cipher, of which the following is a translation. [See telegram of November 10, printed *ante*.]

I have, &c.,

W. J. HOPPIN.

No. 264.

Mr. Frelinghuysen to Mr. Lowell.

No. 705.] DEPARTMENT OF STATE,
Washington, November 19, 1883.

SIR: Mr. Hoppin's several dispatches and telegrams in relation to the citizenship of Patrick O'Donnell have been received. In his dispatch No. 647 Mr. Hoppin requests to be instructed whether under all the circumstances thus far reported the question of O'Donnell's American citizenship is to be considered as settled in his favor.

I have now to instruct you that, upon the facts before the Department, Patrick O'Donnell's naturalization appears to be established, and in the absence of proof to the contrary he is to be regarded as a citizen of the United States.

The Department has been requested to seek a complimentary and courteous relaxation of such bar or other rules in England as might deny to counsel from the United States the right to plead in O'Donnell's defense during the approaching trial. I have informed the applicants that the system of law which prevails in this country, as in Great Britain, is jealous of any interference by the executive with the judiciary departments, but should there be any necessity for the English court to be assured of the high position of counsel who go from this country to take part in the defense of O'Donnell, you will give such assurance. This being done, they, or those associated with them, can submit to the court such proposition as they deem the interest of their client demands.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 265.

Mr. Lowell to Mr. Frelinghuysen.

No. 666.] LEGATION OF THE UNITED STATES,
London, November 19, 1883. (Received December 3.)

SIR: I take great pleasure in transmitting herewith a copy of a letter addressed to me by the chairman of the executive committee of the Great International Fisheries Exhibition, London, 1883, requesting me to convey to the Government of the United States the special expression by his royal highness the Prince of Wales, the president, and the members of the executive committee, of their gratitude for the admirable manner in which our Government has so effectively and generously responded to the appeal for co-operation in the past exhibition.

I am also requested to bring to the notice of the Government of the United States the valuable services of Professor Goode and other gentlemen in organizing the American section of the exhibition and in the jury department.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 666.]

Mr. Birkbeck to Mr. Lowell.

LONDON, *November* 16, 1883.

SIR: I am desired by his royal highness the Prince of Wales, the president, and by the members of the executive committee of the International Fisheries Exhibition, to request your excellency to convey to the Government of the United States the special expression of their gratitude for the admirable manner in which the Government of the United States have so effectively and generously responded to the appeal for co-operation in the past exhibition.

It has been a matter generally acknowledged by all classes of the community that it was impossible to conceive a better interpretation of the wishes of the promoters of this exhibition than that so methodically and so ably rendered by the learned and experienced staff of gentlemen who were charged by Prof. Spencer F. Baird to give the benefit of their experience and advice to us. The rapid organization and the specially successful arrangement and decoration of the United States court have been the theme and the general admiration of the public, and I trust that we may be allowed to request you to bring under the notice of your Government the eminent

ported short-horn cows, and which was thoroughly extinguished without having gained any permanent foothold.

We do not deny that other cargoes of American cattle may have been found suffering from the disease in question on arrival in England, but this is amply accounted for by the occasional use, for those cattle, of head ropes and other appliances that have been previously used for European cattle. But on this point we insist, with the greatest confidence, that there is no evidence whatever that our American herds are now suffering from foot-and mouth disease, and that there is as strong evidence of its non-existence as can well be produced on the negative side of a question.

JAMES LAW,
E. F. THAYER,
United States Treasury Cattle Commissioners.

Hon. C. J. FOLGER,
Secretary of the Treasury.

No. 247.

Mr. Frelinghuysen to Mr. Lowell.

No. 677.] DEPARTMENT OF STATE,
Washington, October 5, 1883.

SIR: I inclose herewith a copy of a letter from Hon. John F. Finerty, with its inclosure, and a copy of my reply in relation to the defense of Patrick O'Donnell, accused of the murder of James Carey.

You will ascertain whether O'Donnell is a citizen of the United States, and if so, you will do whatever is necessary to secure his proper defense. This you would do, of course, without instructions.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 677.]

Mr. Finerty to Mr. Frelinghuysen.

THE CITIZEN, No. 162 LA SALLE STREET, &C.,
Chicago, September 27, 1883.

SIR: I have the honor to inclose herein a resolution adopted at a meeting of Chicago citizens in reference to the approaching trial in England of Patrick O'Donnell, accused of the killing of James Carey, the informer.

There appears to be no doubt that O'Donnell is a *bona fide* citizen of the United States and therefore, is entitled to the privilege of defense usual in such cases.

I have great pleasure in seconding the resolution as presented by the committee.

Respectfully,

JOHN F. FINERTY,
Representative Second Congressional District, Illinois.

The Hon. SECRETARY OF STATE,
Washington, D. C.

[Inclosure.]

THE CITIZEN, No. 162 LA SALLE STREET, &C.,
Chicago, September 25, 1883.

DEAR SIR: The undersigned were appointed a committee to wait on you and present the following resolution passed at a large and influential meeting of Irish-American citizens in this city:

"*Resolved*, That P. W. Dunne, J. F. Scanlan, D. F. Gleeson, D. O'Sullivan, and T. P. O'Conner be appointed a committee to wait upon Hon. J. F. Finerty to request

police of the canal, such as the provision against alliance, against occupation and fortification, and against taking advantage of any intimacy or influence, and yet it is claimed that the treaty does not prohibit the existence of a large regularly organized British colony in Central America, while it does prohibit the United States from having any possession or colony there. The color for this claim is that while the stipulation that neither of the two Governments should colonize any part of Central America is most conspicuous, the declaration of Sir Henry Bulwer, prior to the exchange of the ratifications of the treaty states, that Her Majesty does "not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras or its dependencies." This declaration cannot be held to authorize the subsequent colonization by Her Majesty's Government of a territory as large as three of our smaller States. The declaration was made, not to change or vary the treaty, but out of abundant caution that it might not be misunderstood.

The meaning of the declaration, we think, is that a mere settlement of British subjects for the purpose of cutting mahogany and logwood in Honduras under Spanish-American sovereignty was not to be considered a British colony and thus be a violation of the treaty, and I fail to see how, since the exchange of the ratifications of the treaty, the organization of a colony with a full colonial government under the British sovereignty can be looked upon as authorized or allowed, either by the treaty or by Sir Henry Bulwer's declaration.

The two contracting powers were equally bound not to colonize any part of Central America, and the declaration itself of Sir Henry Bulwer not being the exception of any territory in Central America from the operation of the treaty, but providing in effect that the settlement should not be considered a British colony, tended to strengthen and not to destroy the mutual obligation not to colonize in Central America.

Lord Granville is correct in saying that I stated in my instruction to you of May 8, 1882, that Her Majesty's Government was not called upon either to admit or deny the views therein expressed as to the Monroe doctrine, and this was so, for the reason there given, to wit, because Her Majesty's Government placed its claim to join in the protection of the interoceanic canal on a treaty which, if binding, certainly modified the Monroe doctrine; but the fact that this Government, for a promised consideration, modified by treaty what is called the Monroe doctrine, I think does not in any manner affect that doctrine after the treaty has fallen because of its infraction and because of the failure of the consideration contemplated.

You may read this instruction to Lord Granville and leave a copy of it with him should he desire it.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 267.

Mr. Frelinghuysen to Mr. Lowell.

No. 716.] DEPARTMENT OF STATE,
Washington, November 30, 1883.

SIR: I inclose herewith for your information a copy of a dispatch from Mr. Heap, chargé d'affaires at Constantinople* from which it ap-

*See Mr. Heap to Mr. Frelinghuysen, No. 296, October 31, 1883, *post*.

pears that Lord Dufferin, at Mr. Heap's request, has instructed Colonel Everett, Her Britannic Majesty's consul at Erzeroum, to give the American missionaries in that vicinity all the assistance they may desire.

I will thank you to convey to the British Government an expression of the President's high appreciation of Lord Dufferin's courtesy in aiding our minister in the protection of American citizens.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 268.

Mr. Frelinghuysen to Mr. Lowell.

[Telegram.]

WASHINGTON, *December* 11, 1883.

Mr. Frelinghuysen informed Mr. Lowell of the action of the House of Representatives, as contained in the resolution of December 10, repeated his former instruction to consider the citizenship of O'Donnell estabtablished, and concluded by saying:

There being in Great Britain no judicial examination on appeal of the proceedings at a criminal trial, possible errors can only be corrected through a new trial or by executive action upon the sentence. Therefore this Government is anxious that such careful examination be given to the proceedings in this case as to discover error, should one have been committed. You are therefore directed by the President to request a delay of the execution of the sentence, and that a careful examination of the case be made by Her Majesty's Government, and that the prisoner's counsel be permitted to present any alleged points of error.

No. 269.

Mr. Lowell to Mr. Frelinghuysen.

[Telegram.]

LONDON, *December* 15, 1883.

Mr. Lowell telegraphed to Mr Frelinghuysen, acknowledging receipt on the 12th of his telegram of the 11th, and stating that he immediately sent its substance to Lord Granville, who, on the 13th, acknowledged its reception, and stated that it had been referred to the proper authorities; that on the date of his telegram (the 15th) Mr. Lowell received the final decision in the following words:

SIR: With reference to my letter of the 13th instant, I have now the honor to state to you that the counsel for O'Donnell, having submitted such representations as he thought advisable on behalf of the prisoner, these representations and all the other circumstances of the case have been carefully examined and considered in the manner usual in the case of capital convictions, and Her Majesty's Government find no grounds upon which they would be justified in advising the Crown to interefere with the sentence of the law or its execution.

I have, &c.,

GRANVILLE.

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

No. 270.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *September* 25, 1882. (Received September 26.)

SIR: Referring to the provisions of the recent act of the United States Congress prohibiting the landing of Chinese immigrants in United States territory, I have the honor to inform you that I am advised that there are now residing in Demerara a considerable number of Chinese laborers, natives of Hong-Kong, who are desirous of returning to China via San Francisco, and that I am instructed by Earl Granville to ask the United States Government how they propose to deal with those laborers under the aforesaid act, who, though Chinese in their language and appearance, are natives of British colonies and therefore British subjects, and who may desire to return to their homes by the above-mentioned route.

Trusting that you will be good enough to give your early attention to this matter,

I have, &c.,

L. S. SACKVILLE WEST.

No. 271.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *November* 1, 1882. (Received November 2.)

SIR: Referring to a communication which I had occasion to make to you respecting the proposal of the French Government to abolish the capitulations in Tunis, I have now the honor to communicate to you, at Earl Granville's request, the substance of an instruction addressed to Her Majesty's minister at Paris on this subject. Her Majesty's Government are willing to recognize the justice of the contention that there would be no sufficient reason for maintaining consular jurisdiction in Tunis, where the native courts are superseded by French tribunals. The institutions which have grown up under the capitulations with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when tribunals organized and controlled by an European Government take the place of Mussulman courts. Her Majesty's Government, therefore, would be prepared to give the most friendly consideration to any proposals which the French Government may have to make to them on this subject, but, at the same time, while willing to consider the question of surrendering their rights, so far as consular jurisdiction is concerned, they reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by treaties.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1 in No. 685.]

Messrs. Logan and others to Mr. Frelinghuysen.

CHICAGO, *October* 7, 1883.

DEAR SIR: We herewith inclose a request made to us by a portion of our constituents, to which we most respectfully call your attention.

The attorneys and counselors at law mentioned therein, to wit, the Hon. William J. Hynes and the Hon. William W. O'Brien, are gentlemen of honorable reputation. We therefore beg leave to suggest to the honorable Secretary of State that, if not inconsistent with the proprieties of diplomatic relations, he will be kind enough to furnish the gentlemen named such letters to the American legation in London, authorizing the latter to ask of the proper authorities of Great Britain that these attorneys and counselors at law be extended the courtesy of being permitted to appear in court for and on behalf of Patrick O'Donnell, charged with the murder of James Carey on the high seas, provided said Patrick O'Donnell is a *bona fide* citizen of the United States, asking that said attorneys and counselors at law may be permitted to appear for him before the court in his defense.

Very respectfully,

JOHN A. LOGAN.
GEO. E. ADAMS.
R. W. DUNHAM.
JOHN F. FINERTY.
GEO. R. DAVIS.

Hon. F. T. FRELINGHUYSEN,
Secretary of State, Washington, D. C.

CHICAGO, *October* 9, 1883.

SIR: As Senator Logan will be out of town for some weeks, the reply of the Department to the inclosed documents may be sent in care of Hon. George E. Adams, M. C., Bryan block, Chicago.

Respectfully,

SECRETARY OF COMMITTEE.

The Hon. SECRETARY OF STATE,
Washington, D. C.

CHICAGO, ILL., *October* 6, 1883.

GENTLEMEN: We, the undersigned, being a committee appointed at a meeting of citizens of the city of Chicago and State of Illinois, and your constituents, respectfully request that you ask the Department of State, at Washington, to furnish Hon. William J. Hynes and Hon. William W. O'Brien, attorneys and counselors at law of this city, with a letter to the American legation in London, England, authorizing the latter to ask of the British authorities the courtesy of allowing the said attorneys and counselors at law to appear for Patrick O'Donnell, now charged with the murder of James Carey on the high seas, and participate in the defense of the accused, if the said Patrick O'Donnell is a *bona fide* American citizen and sets up that claim.

Very respectfully,

P. W. DUNNE.
THOMAS P. O'CONNER.
JNO. F. SCANLAN.
D. F. GLEESON.
JOHN GUERIN.

Hons. JOHN A. LOGAN, *Senator of the United States;*
H. W. DUNHAM,
GEORGE H. DAVIS,
JOHN F. FINERTY, and
GEORGE E. ADAMS,
Representatives in Congress.

[Inclosure 2 in No. 685.]

Mr. Frelinghuysen to Messrs. Logan and others.

DEPARTMENT OF STATE,
Washington, October 12, 1883.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 7th instant, inclosing one addressed to you by several gentlemen of Chicago, constituents of yours, in the interest of Patrick O'Donnell, who is about to be tried in London for the alleged murder of James Carey.

dians on either side of the northwestern boundary led to an understanding that this Government and that of the Dominion of Canada should, as far as possible, co-operate to preserve peace and repress depredations on that frontier by giving notice to each other of the movements of the hostiles.

In this sense I have the honor to transmit herewith a copy of a telegram of the 4th instant from the commanding officer of the United States forces at Poplar River, Montana Territory, reporting that the Milk River country is overrun with half-breeds, Crees, hostile Sioux, and armed Yanktonnais, and that a collision between them and white hunters "would not be surprising."

As a collision might involve the interference of the military force and the possible pursuit of the hostiles to the Dominion border, it seems proper to bring this intelligence to your notice, to the end that the authorities of the Dominion may be advised and prepared for any necessary action in protection of Canadian interests or otherwise.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Telegram.]

POPLAR RIVER, MONT., *December* 4, 1882.

To BRECK, *Assistant Adjutant-General, Fort Snelling, Minn.:*

First Sergeant Neeland, Company B, with Sergeant Bobst, Company F, and two Indian scouts, struck camp of half-breeds and Crees near Campbell's houses on Milk River Saturday night. Breeds and Indians fled with their horses, leaving in Neeland's hands 58 carts and harnesses, 20 hides, 16,000 pounds meat, and other property. Have ordered Neeland to destroy all he cannot bring with him and return at once to post, as I fear breeds may get reinforcements of Crees and attack him. Scout Culbertson reports Milk River country overrun with half-breeds, Crees, and "Lame Brulé's" band of hostile Sioux, Yankton Indians; and I presume others are getting arms, ammunition and whisky in unlimited quantities at Norris's place, thirty miles above Dry Fork. White hunters are in close proximity to Indian camps, and a collision would not be surprising. Intend, if possible, to make trip through that country myself in few days and make full report.

READ,
Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., December 8, 1882.

Captain READ, *Camp Poplar River, Montana:*

Dispatch to Breck received. Your orders to destroy property are approved. I shall be glad if the weather permits you to make the trip which you propose, and shall defer action till I hear further from you.

ALFRED H. TERRY,
Brigadier-General.

Official copies respectfully forwarded to the headquarters Military Division of the Missouri.

ALFRED H. TERRY,
Brigadier-General U. S. A., Commanding.

DEPARTMENT DAKOTA, *December* 8, 1882.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, December 12, 1882.

Respectfully forwarded to the Adjutant-General of the Army, for the information of the General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

No. 275.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, December 23, 1882.

SIR: Acknowledging the receipt of your note of the 1st ultimo, in which you acquaint me with the action of Her Majesty's Government with regard to the proposition of France to extend French judicial tribunals and procedure to the territory of Tunis from the 1st of January next, I have the honor to inform you that, upon receiving notice from the French Government in relation to its proposed action in regard to this matter, I informed Mr. Roustan, the minister of France at this capital, that inasmuch as the consular jurisdiction of this country in Tunis is expressly prescribed by an act of Congress, the renunciation of that jurisdictional right is not a matter within the control of the Executive, and that it would therefore be necessary to lay the matter before Congress at its then approaching session.

When Congress assembled I accordingly called the attention of the appropriate committees of both houses to the subject.

On the 19th instant the House of Representatives passed a joint resolution in relation to the matter, which is now pending in the Senate, a copy of which I inclose herewith for your information, showing the present status of the matter so far as this Government is concerned.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Joint resolution, passed the House of Representatives December 19, 1882.

Whereas the Government of France proposes to establish in Tunis a judicial system common among christian nations, so that the courts in that country shall be fully open for the protection of citizens of the United States in their personal property and rights: Therefore,

Be it resolved by the Senate and House of Representatives, &c., That when the President of the United States shall be satisfied that a system for the administration of justice shall be established in Tunis by the Government of France in accordance with the usage of civilized and christian nations, under which all rights of person and property of the citizens of the United States may be fully and permanently protected, he shall be, and is hereby, authorized by proclamation to declare that the right on the part of the United States and its citizens to claim extraterritorial jurisdiction within said territory of Tunis, as secured by existing treaties and laws, has ceased and will no longer be claimed or exercised.

No. 276.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *December* 23, 1882. (Received December 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, and to inform you that I have communicated by telegraph the information contained therein respecting the hostile movements of the Indian tribes on the northwest frontier to the Dominion authorities. In connection with this subject, and with the agreement to which you allude for giving mutual notice of the movements of hostile Indians on

the northwest frontier, I have the honor to refer to my note of the 3d of May last,* in which I communicated to the United States Government the measures proposed by his excellency the Marquis of Lorne for preventing Indian raids on this frontier, and which you informed me in your note of the 10th of that month should have the early consideration of the United States Government, and to submit to you that perhaps some understanding with regard to them might conduce to the security and good order of the frontier, so much desired by both Governments.

I have, &c.,

L. S. SACKVILLE WEST.

No. 277.

Lord Granville to Mr. West.

No. 344.] FOREIGN OFFICE, *December* 30, 1882.
(Presented by Mr. West February 8, 1883.)

SIR: You have already received, with my dispatch No. 186 of the 17th June last, a copy of the dispatch addressed by Mr. Frelinghuysen to Mr. Lowell on the 8th May,* by whom it was communicated to me on the 31st of that month, in which the views of the Government of the United States are expressed in great detail respecting the traditional continental policy of that Government and the provisions of the Clayton-Bulwer treaty.

Her Majesty's Government have not failed to give their most careful consideration to the important questions discussed in Mr. Frelinghuysen's communication, and I now proceed to convey to you the following remarks upon some of the principal points:

You will have observed that three questions are raised by Mr. Frelinghuysen:

(1) The meaning and effect of Article VIII of the Clayton-Bulwer treaty;

(2) Whether such acts have been committed by Great Britain in British Honduras in violation of the treaty as would entitle the United States to denounce it; and,

(3) The proposed conclusion of a fresh agreement between the two countries, having for its object the retention and renewal of certain provisions of the Clayton-Bulwer treaty, and the definition of the distance from either end of the proposed canal beyond which captures might be made by belligerents in time of war.

As regards the first point, Mr. Frelinghuysen renews Mr. Blaine's contention that the Clayton-Bulwer treaty had reference only to the interoceanic routes then in contemplation, and that Article VIII of that treaty must be read subject to the provisions of the earlier treaty of 1846 between the United States and New Granada, which, as he alleges, secures to the United States the sole protectorate of any route across the Isthmus of Panama.

Her Majesty's Government are unable to accept that view. The routes in contemplation at the date of the Clayton-Bulwer treaty were those by way of the river San Juan and either or both of the lakes of

* Printed in Foreign Relations for 1882.

Nicaragua and Managua, and Article I of the treaty no doubt applied only to those routes. By that article it was declared that neither the one nor the other of the high contracting parties would ever obtain or maintain for itself any exclusive control over any ship-canal which might be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean.

But by Article VIII the high contracting parties, after declaring that they not only desired, in entering into the convention, to accomplish a particular object, but also to establish a general principle, agreed "to extend their protection by treaty stipulations to any other practicable communications," that is to say, other than those mentioned in Article I, "whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama"

This is, in effect, an agreement that all the prior provisions with reference to the protection of the particular ship-canal then in contemplation shall, in principle, be applied to any interoceanic ship-canal thereafter constructed. The contention of Mr. Frelinghuysen that Article VIII "relates only to those projects now (1850) proposed to be established" is opposed to the terms of the article, which expressly refers to any communications other than those mentioned in Article I, and especially to those then projected. It is also contended that Article VIII "contemplates some future treaty stipulation." But it is none the less an agreement because its application to any canal thereafter made is to be carried into effect by treaty stipulations.

The general principle established by Article VIII of the Clayton-Bulwer treaty was that all communications by canal or railway between the Atlantic and Pacific Oceans "across the isthmus which connects North and South America" should be established on the broad basis that they should be for the general benefit of mankind, and that no country should, on any pretense whatever, reap an advantage which was not enjoyed by all who should be willing to extend their protection to such enterprises.

This "general principle" was not only fully admitted by General Cass in his note to Lord Napier of the 20th October, 1857, as pointed out to you in my dispatch of the 14th January last, and in which General Cass said that "the United States demanded no exclusive privileges in the interoceanic passages of the isthmus," but would always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world, but it was actually carried out both by Great Britain and the United States in their subsequent treaties with Honduras and Nicaragua, in which they respectively agreed to extend their protection and guarantee to the interoceanic communications therein mentioned, in order to insure equal treatment to all nations across those public highways, and to prevent the imposition of unfair discriminating duties in matters of commerce or of unequal transit dues.

I refer to the treaties between Great Britain and Honduras of the 27th August, 1856, and between Great Britain and Nicaragua of the 11th February, 1860, and to the treaties between the United States and Honduras of the 4th July, 1864, and between the United States and Nicaragua of the 21st June, 1867, which show that Article VIII of the Clayton-Bulwer treaty had reference to the protection and guarantee to be

extended to all interoceanic communications, and not to any one particular scheme or schemes.

Moreover, the United States, in their treaty with Nicaragua, not only "agreed to extend their protection to all such routes of communication" between the Atlantic and Pacific Oceans, "and to guarantee the neutrality and innocent use of the same," but did further "agree to employ their influence with other nations to induce them to guarantee such neutrality and protection."

The Government of the United States having, therefore, since the conclusion of its treaty of 1846 with New Granada, entered into treaties of a more recent date with Great Britain and other powers, carrying out the "general principle" established by the Clayton-Bulwer treaty, which is opposed to all idea of exclusive advantages in any interoceanic communication which may be constructed, they can hardly now appeal, without inconsistency, to their treaty with New Granada as giving them exclusive rights of protection over the projected canal across the Isthmus of Panama.

Moreover, there is nothing in the terms of the treaty of 1846 which confers on the United States any exclusive right of protection, or which is inconsistent with the joint protection of Great Britain and the United States; and in the view, therefore, of Her Majesty's Government the guarantee given by the United States to New Granada in the treaty of 1846 meant no more than the guarantee given by the United States jointly with this country in the Clayton-Bulwer treaty of 1850, or the guarantees given by this country, by France and by the United States in their separate treaties with Honduras and Nicaragua.

I now pass to the second point raised by Mr. Frelinghuysen, namely, whether such acts have been committed by Great Britain in British Honduras in violation of the Clayton-Bulwer treaty as would entitle the United States to denounce it. It is alleged that Great Britain has violated, and continues to violate, its provisions, by exercising sovereignty over British Honduras, and treating that territory as a British colony.

On this point it is important to refer to the following correspondence on the subject, which took place at the time between Sir Henry Bulwer and Mr. Clayton.

On the 29th June, 1850, Sir H. Bulwer handed to Mr. Clayton the following declaration in writing:

In proceeding to the exchange of ratifications of the convention signed at Washington on the 19th April, 1850, between Her Britannic Majesty and the United States of America, relative to the establishment of a communication by ship-canal between the Atlantic and Pacific Oceans, the undersigned, Her Britannic Majesty's plenipotentiary, has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras, or to its dependencies. Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.

Done at Washington, the 29th day of June, 1850.

H. L. BULWER.

To this Mr. Clayton replied, on the 4th July, as follows:

DEPARTMENT OF STATE, *Washington, July* 4, 1850.

SIR: I have received the declaration you were instructed by your Government to make to me respecting Honduras and its dependencies, a copy of which is herewith subjoined.

The language of Article I of the convention concluded on the 19th day of April last between the United States and Great Britain, describing the country not to be occupied, &c., by either of the parties, was, as you know, twice approved by your Government, and it was neither understood by them nor by either of us (the negotiators) to include the British settlement in Honduras (commonly called British Honduras, as distinct from the State of Honduras) nor the small islands in the neighbor-

hood of that settlement, which may be known as its dependencies. To this settlement and these islands the treaty we negotiated was not intended by either of us to apply.

The title to them it is now and has been my intention, throughout the whole negotiation, to leave as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously.

The chairman of the Committee on Foreign Relations of the Senate, the Hon. William R. King, informed me that "the Senate perfectly understood that the treaty did not include British Honduras." It was understood to apply to, and does include, all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica, with their just limits and proper dependencies. The difficulty that now arises seems to spring from the use in our convention of the term "Central America," which we adopted because Viscount Palmerston had assented to it and used it as the proper term, we naturally supposing that on this account it would be satisfactory to your Government; but if your Government now intend to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides, to which at present we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire. It is not to be imagined that such is the object of your Government, for not only would this cause delay, but absolutely defeat the convention.

Of course no alteration could be made in the convention as it now stands without referring the same to the Senate; and I do not understand you as having authority to propose any alteration. But on some future occasion a conventional article clearly stating what are the limits of Central America might become advisable.

There is another matter, still more important, which the stipulations of the convention direct that we shall settle, but which you have no instructions now to determine, and I desire you to invite the attention of your Government to it: "The distance from the two ends of the canal within which vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention or capture by either of the belligerents."

The subject is one of deep interest, and I shall be happy to receive the views of your Government in regard to it as soon as it may be convenient for them to decide upon it.

I avail, &c.,

JOHN M. CLAYTON.

Sir H. Bulwer acknowledged the receipt of Mr. Clayton's dispatch, on the same day, in the following words:

BRITISH LEGATION, *July* 4, 1850.

SIR: I understand the purport of your answer to the declaration dated the 29th of June, which I was instructed to make to you on behalf of Her Majesty's Government, to be that you do not deem yourself called upon to mark out at this time the exact limits of Her Majesty's settlement at Honduras, nor of the different Central American States, nor to define what are or what are not the different dependencies of the said settlement; but that you fully recognize that it was not the intention of our negotiation to embrace in the treaty of the 19th April whatever is Her Majesty's settlement at Honduras, nor whatever are the dependencies of that settlement, and that Her Majesty's title thereto, subsequent to the said treaty, will remain just as it was prior to that treaty, without undergoing any alteration whatever in consequence thereof.

It was not the intention of Her Majesty's Government to make the declaration I submitted to you more than a simple affirmation of this fact, and consequently I deem myself now authorized to exchange Her Majesty's ratification of the treaty of the 19th April for that of the President of the United States.

I shall take the earliest opportunity of communicating to Her Majesty's Government the desire which you express to have determined the distance from the two ends of the canal within which vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention or capture by either of the belligerents, and I will duly inform Her Majesty's Government of the interest which you take in this question.

I avail, &c.,

H. L. BULWER.

And finally, on the 5th July, Mr. Clayton signed the following memorandum:

The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply, I wrote to him my note of the 4th July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th April last,

but, at the same time, carefully declining to affirm or deny the British title in their settlement or its alleged dependencies.

After signing my note last night I delivered it to Sir Henry, and we immediately proceeded, without any further action, to exchange the ratifications of said treaty. The consent of the Senate to the declaration was not required, and the treaty was ratified as it stood when it was made.

JOHN M. CLAYTON.

To this memorandum the following postscript was attached:

The rights of no Central American State have been compromised by the treaty, or by any part of the negotiation.

It would seem, then, to be opposed to all sound principle that the United States should now claim to abrogate the treaty of 1850 by reason of the existence of a state of things which has prevailed, to their knowledge, before as well as since its ratification, to which the treaty was never intended to apply, and notwithstanding the known existence of which they have more than once recognized the treaty as subsisting.

It seems, indeed, to be suggested that, at the time the Clayton-Bulwer treaty was made, Honduras was only a British settlement under Spanish-American sovereignty, and that it has since been converted into a British possession, and that to this conversion the United States has never given its assent.

It is true that, during the middle of the last century, the British settlement at Belize owed its existence to the permission of Spain, and that the colonists were gradually allowed to occupy the territory now called British Honduras, for the purpose only of cutting logwood and exporting mahogany; but it is also a matter of history that, when England and Spain were subsequently at war, an attack made by the forces of the latter on the British settlement was successfully repulsed; and, in consequence, from that time British Honduras remained under the dominion of the British Crown.

When peace was signed most of the British conquests from Spain were restored to her; but the settlement in Honduras, like that of the Falkland Islands, was not given up, and continued on the same footing as any other possession under the British Crown.

At the time of the abandonment by Spain of all her possessions in South America she made no protest against the rights which the British Crown had acquired over Belize and British Honduras.

It is therefore clear that the sovereignty of British Honduras was acquired by conquest, and was possessed by this country long prior to the time of the Clayton-Bulwer treaty. I would observe, moreover, that the preamble of the postal convention, concluded at Washington on the 11th August, 1869, and in London on the 4th of September of the same year, shows that the United States have formally recognized British Honduras as being a "colony" of Great Britain.

The preamble of that convention, which received the formal approval of President Grant on the same day on which it was signed at Washington, runs as follows:

The General Post-Office of the United Kingdom of Great Britain and Ireland, and the General Post-Office of the United States of America, being desirous of establishing and maintaining an exchange of mails between the United States, on the one side, and the colony of British Honduras on the other, by means of the British mail-packet plying between New Orleans and Belize, the undersigned, duly authorized for that purpose, have agreed upon the following articles.

The contention, therefore, in Mr. Frelinghuysen's dispatch, that "a settlement" has been converted into "a possession," and a material change thereby effected, in consequence of the employment of the word

the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he makes an application to be a citizen, may," &c.

It is evident that O'Donnell did not reside in the United States three years next preceding his attaining his majority, or up to the time he made the application, unless his visits to Ireland should be considered not to be changes of residence, but temporary absences only. He probably adopted this mode of applying for a certificate because it saved him from the necessity of proving a previous declaration of intention.

It is of course impossible for me to give an authoritative opinion upon this question of citizenship. I can only state that I was impressed by the apparent truth of O'Donnell's statements, and having given all the facts that have come to my knowledge, must leave the final decision to the superior wisdom of the Department of State.

I sent a telegram embodying my conclusions to you yesterday in cipher, of which the following is a translation. [See telegram of October 22, printed *ante*.]

I have, &c.,

W. J. HOPPIN.

[Inclosure in No. 641.]

Copy of Patrick O'Donnell's naturalization certificate.

MINOR'S CERTIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
The State of Ohio:

Lawrence County probate court.

Be it remembered that at a session of the pro-[*mutilated*] in and for said county, held at the court-house at Ironton, on the 6th day of November, A. D. 1876, before Geo. W. Thompson, sole judge of said court, personally came Patrick O'D onnel, a native of Ireland, who came into the United States when under the age of eighteen years, and declared his intention to become a citizen of the United States of America, before the said court, agreeable to the act of Congress in such case made and provided, and proved his residence and character by the oath of Michael McGinley and Hugh Dugan, and being admitted to citizenship by this court, took the oath to support the Constitution of the United States of America, and that he did absolutely and entirely forever renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the Queen of Great Britain and Ireland.

This is therefore to certify that the said Patrick O'Donnel has complied with the laws of the United States, in such case made and provided, and is therefore admitted a citizen of the United States.

In testimony whereof I have hereun-[*mutilated*] signature and the seal of said probate court, at Ironton, Ohio, this 6th day of November, A. D. 1876.

GEO. W. THOMPSON,
Probate Judge and ex officio Clerk.

(Indorsement on back of certificate:) Minor's certificate of citizenship. Probate court of Lawrence County. Issued 6th November, 1876, to Patrick O'Donnel.

No. 257.

Mr. Frelinghuysen to Mr. Hoppin.

[Telegram.]

WASHINGTON, *October* 30, 1883.

Mr. Frelinghuysen instructed Mr. Hoppin to ascertain and telegraph the regiment in which O'Donnell had served, or the name of the captain of his company.

the United States in denouncing it; and that no necessity exists for renewing any of the provisions of that treaty.

There might, perhaps, be advantages in defining by agreement the distance from each end of the canal within which no hostilities should be committed by belligerents, in order to maintain the freedom of the passage through the Panama Canal, should that route be completed; and when the time approaches for its completion, Her Majesty's Government would, no doubt, be prepared to give its careful attention to the question of concluding an arrangement with that object, should such a proposal be made to them; but in the present stage of the enterprise, they conceive that it would be premature to enter upon negotiations for that purpose. I have not thought it necessary to allude in this dispatch to the "traditional continental policy" of the United States as laid down in what is commonly called the "Monroe doctrine," since Mr. Frelinghuysen, in his note of the 8th May last, in which he explained the views which were entertained by his Government on that subject, admitted that Her Majesty's Government was not called upon either to admit or deny the views therein expressed.

You will state to Mr. Frelinghuysen that Her Majesty's Government are animated by the most sincere desire to arrive at an amicable settlement of the questions which have given rise to this correspondence, and that they note with great satisfaction the friendly assurance with which he concludes his dispatch, that the diversity of opinion which now exists will not in any wise impair the good understanding happily existing between the people and Governments of the United States and Great Britain.

You will read this dispatch to Mr. Frelinghuysen, and, if he should desire it, place a copy of it in his hands.

I am, &c.,

GRANVILLE.

No. 278.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *January* 12, 1883. (Received January 15.)

SIR: Referring to your note of the 20th ultimo, I have the honor to inclose herewith for your information extract from a report of the committee of privy council for Canada, containing copy of a telegram sent by General MacDougall to Colonel Irvine, the commissioner of the northwest mounted police.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Extract from a report of a committee of the privy council for Canada.

The right honorable Sir John MacDonald, the first minister, to whom the dispatch and inclosures were referred, states that he has to-day sent the telegram here underwritten to Colonel Irvine, the commissioner of the northwest mounted police:

"United States Government have given notice of possible collision between their troops and some bands of American Indians in the Milk River country, and perhaps

at our frontier. Police officer at Wood Mountain should be notified of this and put on his guard."

The committee submit the above for your excellency's approval, and they recommend that Her Majesty's minister at Washington be informed accordingly.

JOHN J. McGEE,
Clerk of the Queen's Privy Council, Canada.

No. 279.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *January* 15, 1883. (Received January 16.)

SIR: Referring to your note of the 28th of November last, I have the honor to inform you that Earl Granville has requested me to state that representations were made to the Colombian Government in the year 1880 in regard to the custody of the papers of foreign vessels, but that it was thought advisable to defer further action in the matter until some experience could be obtained of the operation of the compromise then proposed by the Colombian Government. No representation appears to have been since made from any quarter, nor have the matters complained of in the district of Panama been brought to the knowledge of Her Majesty's Government. In thanking you for your communication on this subject, Earl Granville requests me to inform you that Her Majesty's minister at Bogota will be instructed to co-operate with the representative of the United States at that capital with regard to the proceedings complained of in Panama.

I have, &c.,

L. S. SACKVILLE WEST.

No. 280.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *January* 15, 1883. (Received January 16.)

SIR: Referring to your note of the 28th of November last, relative to the decree of the Venezuelan Government requiring ships' papers to be deposited with the port officers, I have the honor to inform you that Earl Granville, in thanking you for this communication, has requested me to state to you that, no report on the subject having been received from Her Majesty's legation or consulate in Venezuela, instructions have been sent to inquire into the matter, and that in the meanwhile Her Majesty's minister will act in concert with the representative of the United States and the representatives of any other powers who may be taking steps to prevent inconvenience to vessels of their country which may frequent Venezuelan ports.

I have, &c.,

L. S. SACKVILLE WEST.

No. 281.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, January 17, 1883.

SIR: The Attorney-General having recently given an opinion favorable to permitting the transit of Chinese laborers across the territory of the United States under such conditions as will prevent abuses of

the privilege, I now have the honor to reply to your note of the 25th of September last, wherein you present for my consideration the question presented by the desire of a considerable number of Chinese laborers, natives of Hong-Kong, now residing in Demerara, to return to China by way of San Francisco.

In reaching the conclusion that the transit through the United States of Chinese proceeding to or from a third country is permissible under the Chinese immigration act of May 6, 1882, the Attorney-General is of the opinion that, taking the language of the treaty between the United States and China of 17th November, 1880, in connection with the act framed to carry out the provisions thereof, the statute has reference only to the Chinese who come here to stay as laborers, and that a Chinese laborer coming to this country merely to pass through it is not to be considered as within the prohibition of the law, he being neither an *immigrant* nor a laborer coming here as *laborer*. The Attorney-General adds:

> I am of opinion that Chinese passing through this country to other countries are not required, before crossing our borders, to produce the specified certificates of identification [*i. e.*, those specified in sections 4 and 6 of the act of May 6, 1882], provided they competently prove in some other manner their status as mere transient passengers; of course the certificate would dispense with other proof. The character of such proof may very properly be regulated by the Secretary of the Treasury.

I have brought the matter in this shape to the attention of the Secretary of the Treasury, and requested that he will frame such regulations as may be necessary to permit the transit of Chinese laborers.

As soon as the action of my colleague shall be made known to me, I will communicate it to you.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 282.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, January 18, 1883.

SIR: With reference to previous correspondence in regard to the question pending with the Colombian Government as to the custody of the papers of foreign vessels, I have the honor to acknowledge the receipt of your note of the 15th instant, in which you communicate the views of Earl Granville on the subject, and state that Her Majesty's minister at Bogota will be instructed to co-operate with the American minister at that capital with regard to the subject. The latter fact will at once be communicated to Mr. Scruggs, the minister of this country at Bogota.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

No. 283.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, January 18, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant in relation to the action which Her Majesty's Government has taken with reference to the decree of the Venezuelan Government

requiring ships' papers to be deposited with the port officers, and to inform you that the American minister at Caracas has been advised that Her Majesty's minister at that capital will act in concert with him in the matter.

I have, &c.,

JOHN DAVIS,
Assistant Secretary.

No. 284.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, January 26, 1883.

SIR: Referring to previous correspondence between the Department and your legation concerning the incursions of British Indians into Montana Territory, I now have the honor to transmit herewith a copy of a telegram of the 11th instant, from the commanding officer of the United States forces at Poplar River, reporting that serious trouble is apprehended from the Canadian Indians, who are intruding on the Fort Peck Indian Reservation, and to request you to communicate this information to the Dominion authorities in order that they may co-operate with the officers of this country in the removal of the intruders.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.—Telegram.]

POPLAR RIVER, MONTANA,
January 11, 1883.

BRECK, *Assistant Adjutant-General, Fort Snelling:*

Agent Porter has called upon me to remove intruders from reservation, apprehending serious trouble between them and Indians. Sent detachment last night, and will overtake them myself to-day; go in command of party, and capture or remove all trespassers I can find.

READ,
Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., January 15, 1883.

Official copy respectfully forwarded to headquarters Military Division of the Missouri.

ALFRED H. TERRY,
Brigadier-General, Commanding.

No. 285.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, February 3, 1883.

SIR: Referring to my note to you of the 17th ultimo, in relation to the transit of Chinese laborers through the territory of the United States when passing to or from a third country, I have now the honor

to transmit for your information four copies of a recent circular* issued by the Secretary of the Treasury, in which are set forth the conditions under which such transit may be accomplished.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 286.

Mr. Saurin to Mr. Frelinghuysen.

WASHINGTON, *February* 28, 1883. (Received March 2.)

SIR: With reference to Mr. West's note of the 12th January, and to your note of the 20th of December last, I have the honor to inclose herewith, for your information, copy of a report, transmitted by the department of the interior to the Governor-General of Canada, from the officer commanding the Wood Mountain post, on the subject of the movements of half-breeds and hostile Indians in the vicinity of the Milk River, Montana Territory.

I have, &c.,

DUDLEY E. SAURIN.

[Inclosure.]

Inspector Macdonell to Colonel Irvine.

WOOD MOUNTAIN, NORTHWESTERN TERRITORIES, *January* 20, 1883.

SIR: Your letter of the 7th instant, inclosing copies of dispatches from the department of the interior, northwestern mounted police branch, received.

In reply, I will state as briefly as possible exactly the situation. I may state at once the report that the Milk River country is overrun with Canadian half-breeds is not correct.

You are aware that the half-breeds for some years past have been in the habit of wintering on the Milk River. During last fall I informed them that the United States Indian agent at Poplar River had received instructions from his Government to arrest and prosecute any trespassers found in the reservations. They then decided on wintering here. There has not been this winter, nor is there now, a Canadian half-breed wintering in the reservation.

An occasional hunting party go out for meat, as they say they must either get meat *or starve*. As regards what are called the hostile Sioux, their numbers are so insignificant that it is absurd to say that the country is overrun by them. They have been all winter, and are now, camped about six miles from this post. They hunt principally on this side. Occasionally a few cross, and as they are on good terms with the agency Indians they are treated by them as friends.

I am reliably informed that there are no Crees there. "Little Poplars," with thirty-five lodges, has been all winter south of the Missouri. The reservation does not extend south of the river.

There are about 300 white hunters on the reservation. The United States authorities at Poplar River are reported to have said that they have not force enough at their command to drive them away.

These white hunters are looked upon as being a lawless set, principally made up of professional horse-thieves and outlaws.

The scout Culbertson, mentioned in one of the dispatches, was at one time employed as Sioux interpreter at this post; his reputation for veracity stands very far below par. I know him well, and have no hesitation in stating that I would not believe him on his oath. In plain English, the information he is reported to have given the officer commanding the United States troops at Poplar River—viz, that the reser-

* For inclosure, see page 213.

vation was overrun with half-breeds and Sioux Indians—is false; nor do I believe for one moment that there is the slightest probability of there being any hostile collision. However, should anything of moment occur I will advise you at once by special.

I have, &c.,

A. R. MACDONELL,

No. 287.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *March* 10, 1883. (Received March 13.)

SIR: Referring to your note of the 18th of January last, I have the honor to inform you that Earl Granville has requested me to communicate to you the substance of a dispatch received from Her Majesty's minister at Caracas, which is to the following effect: Mr. Baker, the United States representative, has informed Her Majesty's minister that he will submit to him the proposals which he contemplates making to the Venezuelan Government with regard to the custody of ships' papers; and should they appear to meet the circumstances of the case, Her Majesty's minister, in compliance with his instructions, will support Mr. Baker in a note to be addressed to the Venezuelan Government.

I have, &c.,

L. S. SACKVILLE WEST.

No. 288.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *March* 15, 1883. (Received March 16.)

SIR: Referring to your note of the 26th of January last, I have the honor to inclose copy of an approved report of a committee of the privy council of Canada, to which is appended an article from the Benton Record on the subject of the alleged incursions of British Indians into Montana Territory.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 6th of March, 1883.

The committee of the privy council have had under consideration a dispatch from his excellency Her Majesty's minister at Washington, of the 30th January ultimo, inclosing a communication from the United States Government concerning certain alleged incursions of British Indians into Montana Territory.

The right honorable Sir John MacDonald, to whom this dispatch was referred, reports that the lieutenant-governor of the Northwest Territories states that the reports of such incursions are not based upon good authority, and that he is informed and believes that very few, if any, Canadian Indians have crossed into the United States territory this winter.

That in connection with this subject he, the lieutenant-governor, has transmitted to the right honorable the first minister an article which appeared in the Benton Record of the 12th January last, copy of which is herewith annexed.

The committee advise that a copy of this minute, when approved, be transmitted to Her Majesty's minister at Washington, for the information of the United States Government.

JOHN J. McGEE,
Clerk Privy Council, Canada.

[Inclosure 2.—Extract from the Benton Record of January 12, 1883.]

INDIAN DEPREDATIONS.

"The Indian Office has received advices that Canadian Indians are overrunning Northern Montana. They are mostly hostile Sioux; they have obtained arms, ammunition and whisky in unlimited quantities, and a collision between them and the troops is imminent."

The above from the Washington World of the 30th ultimo will be news for the residents of this section.

We are not aware that Canadian Indians are at present raiding or overrunning Northern Montana, but the cattle-men of this section are suffering continually from American agency Indians, who are slaughtering cattle because they are mostly in a starving condition and unable to obtain from the agencies the food that they have been given to understand properly belongs to them. It looks very much as though the Interior Department had been notified that Canadian Indians were overrunning the northern border in order to counteract the effect of Montana newspaper reports that the agency Indians were causing the trouble.

True, it is not a great while ago that the Sitting Bull Sioux were a standing menace to the whole of Northern Montana, and the Cree Indians and the Canadian half-breeds have, when they saw fit, taken possession of Northern Montana and used it for hunting and trading at will; but when this state of affairs existed there was nothing more difficult in the world than to convince the Washington authorities that there were Canadian subjects taking unlawful privileges on American soil, and now that no one is troubled with either half-breeds or Indians from the other side of the boundary line we find that the Department is receiving reports to the contrary. The truth probably is that the Montana newspaper reports of Piegan cattle thieves are likely to cause trouble if it cannot be shown that the agency Indians are not to blame; hence the agent with his usual shrewdness has started the report that the Canadian Indians are overrunning Northern Montana.

No. 289.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, April 17, 1883.

SIR: With reference to previous correspondence between this Department and your legation concerning the raids of Canadian Indians into the northwestern Territories of this country, and particularly to your note of the 3d of May last,* submitting for the consideration of this Government a system of permits as a remedy for the evil complained of, I now have the honor to inform you that after full consideration of the proposition in question, which contemplates the issuance of permits, by the respective Governments concerned, to individual Indians to visit relations and friends across the boundary lines, under suitable restrictions and regulations, the President has reached the conclusion that while the proposed measure is not objectionable, it would not meet the requirements of the situation, as it is of the incursions and depredations of bodies of Indians that complaint is made.

---

* Printed in Foreign Relations for 1882.

pears that Lord Dufferin, at Mr. Heap's request, has instructed Colonel Everett, Her Britannic Majesty's consul at Erzeroum, to give the American missionaries in that vicinity all the assistance they may desire.

I will thank you to convey to the British Government an expression of the President's high appreciation of Lord Dufferin's courtesy in aiding our minister in the protection of American citizens.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 268.

Mr. Frelinghuysen to Mr. Lowell.

[Telegram.]

WASHINGTON, *December* 11, 1883.

Mr. Frelinghuysen informed Mr. Lowell of the action of the House of Representatives, as contained in the resolution of December 10, repeated his former instruction to consider the citizenship of O'Donnell estabtablished, and concluded by saying:

There being in Great Britain no judicial examination on appeal of the proceedings at a criminal trial, possible errors can only be corrected through a new trial or by executive action upon the sentence. Therefore this Government is anxious that such careful examination be given to the proceedings in this case as to discover error, should one have been committed. You are therefore directed by the President to request a delay of the execution of the sentence, and that a careful examination of the case be made by Her Majesty's Government, and that the prisoner's counsel be permitted to present any alleged points of error.

No. 269.

Mr. Lowell to Mr. Frelinghuysen.

[Telegram.]

LONDON, *December* 15, 1883.

Mr. Lowell telegraphed to Mr Frelinghuysen, acknowledging receipt on the 12th of his telegram of the 11th, and stating that he immediately sent its substance to Lord Granville, who, on the 13th, acknowledged its reception, and stated that it had been referred to the proper authorities; that on the date of his telegram (the 15th) Mr. Lowell received the final decision in the following words:

SIR: With reference to my letter of the 13th instant, I have now the honor to state to you that the counsel for O'Donnell, having submitted such representations as he thought advisable on behalf of the prisoner, these representations and all the other circumstances of the case have been carefully examined and considered in the manner usual in the case of capital convictions, and Her Majesty's Government find no grounds upon which they would be justified in advising the Crown to interefere with the sentence of the law or its execution.

I have, &c.,

GRANVILLE.

[Inclosure.]

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., March 23, 1883.

ADJUTANT-GENERAL, *Department Dakota, Fort Snelling, Minn.:*

Following received:

"FORT BENTON, *March* 22, 1883.

"Large war party Crees fighting herders and Piegans at Kipp's, on Marias 19th. Stole forty horses, killed nine work cattle, two Piegans, and several horses. Two Crees killed; moving towards Walsh. Can't you have them intercepted?

"J. G. BAKER & CO.,
"T. C. POWER & BROS., and others."

Orders were sent on receipt of the above dispatch to Fort Assinniboine for the cavalry to try to intercept the Crees. The commanding officer at Assinniboine was also directed to communicate as to the matter with the commanding officer at Fort Walsh.

RUGER,
Commanding District.

(Mail Bismarck.)

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., March 23, 1883.

ADJUTANT-GENERAL, *Department of Dakota, Fort Snelling, Minn.:*

SIR: I have the honor to say with reference to the subject of the accompanying dispatch that had the information been sent at once from Kipp's ranch to Benson, distant about 80 miles, to be telegraphed to Assinniboine or here, there would have been some chance of overtaking the Crees; but as three days had passed before the dispatch was sent here, and the Crees were at most not over 50 miles from the boundary, they were probably across before the troops started.

In another account it is stated that some cattle were found on the 18th to have been killed not far from Kipp's ranch, and a party of Piegans camped near the ranch, located "the Crees that evening."

The next morning about twenty Piegans, of "Little Dog's" band, and two whites, attacked the Crees with result, as stated, "of two Crees killed, and two Piegans wounded," but the Crees carried off some forty horses. Further report will be made when definite information is obtained.

Very respectfully, &c.,

THOS. H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., March 24, 1883.

ADJUTANT-GENERAL, *Department of Dakota, Fort Snelling, Minn.:*

SIR: The following copy of dispatch is respectfully forwarded in connection with paper relating to the same subject forwarded yesterday. The statement from Mr. Rowe I think may be relied upon as correct with reference to what took place in the vicinity of Kipp's ranch on the Marias.

With reference to truth of the report by the mail carrier, as stated by Mr. Rowe, of loss of horses at the agency and Willow Round, I have no information yet.

"FORT BENTON, MONTANA,
"*March* 23, 1883.

"General RUGER, *commanding, Helena:*

"E. X. Beidler having left town, I took the trouble to find out the facts of the case, and have got the evidence of Mr. Tingley and John Harris, both stockmen, that are familiar with case.

"On the 18th of March, 1883, in the morning, Mr. Tingley's herder on the Marias about five miles below Joe Kipp's ranch rounded up his work oxen, and in the afternoon of the same day he discovered that six of them had been shot and butchered. He then started to Kipp's ranch for help. James Pickett, the herder, and some Piegan Indians, went to where the cattle were butchered and found that more had been killed. The Indians returned to Kipp's ranch, and Pickett and two others went to look for their mules and horses. They found the mules and some of the horses, and

discovered the Indians with the balance of the horses, about forty head in number. Some shots were exchanged, and in the excitement the Indians dropped the meat they had taken from the oxen they butchered. Later in the night a party of Piegans, about twenty in number, started in pursuit, and about daylight in morning of the 19th they overtook the Crees and killed two of them; also two Piegans were wounded in the fight, and a half-breed had his horse shot under him. Another mail arrived to-day, having left Kipp's yesterday and traveled all night, Indians having been seen around Pend d'Oreille and at the Knees during the day. The driver reports that the horses are stolen at the Willow Round and at the Blackfeet Agency; also some of J. G. Baker & Co.'s work oxen were killed. The Indians when last seen were making for Fort Walsh. Joseph Pickett and two other men have gone to Fort Walsh to try and recover the horses and find out what Crees were engaged in the raid.

"WM. ROWE,
"Deputy United States Marshal."

Very respectfully, &c.,

THOS. H. RUGER,
Colonel Eighteenth Infantry, commanding District of Montana.

No. 291.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, April 28, 1883.

SIR: With reference to my note of the 17th instant in relation to the raids of Canadian Indians into this country, I have the honor to inclose herewith, for the information of Her Majesty's Government, a copy of a telegram, dated the 22d instant, to the War Department, from which it appears that Captain Norwood, of the Second Cavalry, with his command overtook an intruding band of British Cree Indians near the boundary line at the east end of the White Horse Lake, and that a fight occurred there, in which two Indians were killed, after which the bands escaped across the line.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Telegram.]

CHICAGO, ILL., *April* 22, 1883.

ADJUTANT-GENERAL, *Washington, D. C.:*

General Ruger telegraphs General Terry that Captain Norwood, Second Cavalry, with his command, after a forced march of 105 miles, overtook the band of British Cree Indians near the line at the east end of White Horse Lake. A fight occurred, in which two Indians were killed, the bodies being left on the field. This is the band who stole the horses from the Crows a few days ago. There were seventeen of them, fifteen of whom escaped back across the line. The stolen horses stampeded during the engagement and ran back. They will probably be recovered by the Indians. No casualties to the troops.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

No. 292.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, May 2, 1883.

SIR: With reference to my note of the 17th ultimo in relation to the raids of Canadian Indians into the northwestern Territories of this country, I now have the honor to inclose herewith, for your information, a

copy of a telegram to the War Department respecting the fight of a detachment of troops under Captain Norwood, of the Second Cavalry, with British Cree Indians, near White Horse Lake.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Telegram.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., April 21, 1883.

ADJUTANT-GENERAL, *Division Missouri, Chicago, Ill.:*

Following received from Colonel Ruger, dated Helena, the 20th:

"The following received:

"'FORT ASSINNIBOINE, *April* 20.

"'Captain Norwood, Second Cavalry, with his command, returned to post at 6 o'clock this p. m., having traveled 115 miles since evening of the 18th instant. He had a fight with the raiding Crees, who had stolen stock and were heading for the line near eastern end of White Horse Lake. The fight lasted about one hour, the Crees fighting desperately from shelter. We had no casualties, and two Crees were left behind on the field. The stolen stock stampeded back during the fight towards the Marias, and the rest of the Crees, about fifteen in number, escaped across the line on their ponies. Captain Norwood received information that the war party from Walsh numbered about 100, but that they divided into small bands. I think that the camp of the Sweet Grass Hills should be established without delay, and that we need about ten more Indian scouts, whose services are of the utmost importance. Should the Crees continue their warfare against the settlements, which I fear they will now do with increased vigor, having lost a prominent leader and medicine man, who was among the killed, the number of mounted troops at this post is not sufficient to give protection to our settlements along the line of our frontier. Full report will leave by mail to-morrow.

"'ILGES,
"'*Lieutenant-Colonel, Commanding.*'

"I have ordered the commanding officer, Fort Assinniboine, to establish a camp of the two troops of cavalry and two companies of infantry on Sweet Grass Hills; the commanding officer Fort Shaw to send two companies and the mounted detachment to the Marias near Whoop-up crossing, to keep that region scouted and protect settlers. Have ordered commanding officer Fort Maginnis to have two troops ready for the field. I will order them to Benton, thence to the Marias camp or Assinniboine, as may seem best. Request authority be granted for ten additional Indian scouts at Fort Assinniboine. Effect of Captain Norwood's encounter may be to keep Crees north of line; however, think the precautionary measures taken are necessary.

"RUGER,
"*Commanding District.*"

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, April 24, 1883.

Respectfully forwarded to the Adjutant-General for the information of the General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

No. 293.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, May 7, 1883.

SIR: With reference to the note of this Department of the 17th ultimo to you concerning the raids of Canadian Indians in the northwestern Territories of this country, I now have the honor to inclose here-

with for your information a copy of a report received by the War Department in relation to the capture of a party of British intruding Indians on the 14th ultimo, by the commanding officer at Fort Assinniboine.

Inviting your attention to the indorsement on the communication above mentioned, of the 20th ultimo, of the department commander, directing that the captured Indians should be conducted under escort to the line and sent across with the rifles and ponies they had, unless the thieves or stolen stock could be identified,

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

HELENA, MONT., *April* 15, 1883.

ADJUTANT-GENERAL, *Department of Dakota, Fort Snelling, Minn:*

Commanding officer Assinniboine reports capture near there yesterday 69 Crees—16 men, balance women and children. Took from them 5 rifles, 19 horses, and asks orders as to them and property. I am not sure what action would be desired in this case. As to the property, Crees have lately stolen many horses from Indians this side of line and killed some cattle on the Marias. This does not appear distinctly a stealing party.

RUGER,
Commanding District.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., April 20, 1883.

COMMANDING OFFICER, *District Montana, Helena, Mont.:*

After considering your telegram of the 15th, the department commander thinks best under the circumstances to send the Crees under escort to the line, and send them across, with the few rifles and ponies they had, unless the thieves or stolen stock can be identified. Take action accordingly.

By order General Terry.

SAMUEL BRECK,
Assistant Adjutant-General.

No. 294.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, May 10, 1883.

SIR: Referring to recent correspondence concerning the raids of Canadian Indians into Montana Territory, I now have the honor to inclose herewith for your information a copy of a telegram received by the War Department reporting that seventeen horses were stolen on the 17th ultimo from an American citizen residing on the Teton River by Cree Indians.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.—Telegram.]

HELENA, MONT., *April* 19, 1883.

ADJUTANT-GENERAL, *Department Dakota, Fort Snelling, Minn.:*

Following received:

"FORT ASSINNIBOINE, MONT., *April* 18, 1883.

"Dispatch from Clarke Tingley, at Benton, received at 3.50 p. m., says: 'Seventeen horses stolen from John Galbraith last night, 28 miles up Teton from here. He is satisfied it was done by Crees, and is following trail for Fort Walsh.'

"Captain Norwood, with troop Second Cavalry, left post at 4.30 this p. m. He will reach boundary line by daylight and then scout westward. He has Indian scouts with him, and will in all probabilities be ahead of the raiders. Lieutenant Fuller follows with some supplies at daylight to-morrow.

"ILGES,
"Lieutenant-Colonel, Commanding."

RUGER,
Commanding District.

No. 295.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, May 19, 1883.

SIR: With reference to recent correspondence concerning the incursions of Canadian Indians into the northwestern Territories of this country, I now have the honor to inclose herewith for your information copy of a report received by the War Department in relation to the action of the military authorities in Montana Territory in sending certain Cree Indians across the boundary line on the 23d ultimo.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

FORT ASSINNIBOINE, MONT., *April* 26, 1883.

POST ADJUTANT, *Fort Assinniboine, Mont.:*

SIR: I have the honor to report that, in compliance with orders No. 52, Fort Assinniboine, April 22, 1883, I left this post with my company (F, Eighteenth Infantry) at 6.30 a. m. the 23d instant, having in charge the Cree Indian prisoners specified in said orders, and proceeded with them to the international boundary, arriving at the line at 12.30 p. m., April 24.

I issued to them four days' rations at the line, and sent them across into the Northwest Territory. Camped that night at the line, and returned to this post yesterday, the 25th instant, having traveled 79 miles.

Very respectfully, &c.,

THOS. J. LLOYD,
Captain, Eighteenth Infantry, Commanding Company F.

No. 296.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 8, 1883. (Received June 9.)

SIR: With reference to your note of the 19th ultimo, and to previous correspondence on the subject, I have the honor to inclose to you ex

tract of a letter from the Hon. E. Dewdney, lieutenant-governor of the Northwest Provinces, to the secretary of the Governor-General, respecting the incursions of the Piegan Indians.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.—Extract.]

Hon. E. Dewdney to Colonel de Winton.

MAY 28, 1883.

Our Indians at Maple Creek are very slow to get off; they are now holding a sun dance. Piepot has just promised to start in five days.

They have all left the Walsh neighborhood, being afraid of the South Piegans, who are out in numerous small war parties trying to steal what few horses our Indians have left. Colonel Ilges, of Fort Assinniboine, has just sent word to our police that another war party is on its way to Walsh. Our Indians have no ammunition, and are much afraid of the Piegans. There is not much fear of our Indians crossing again.

No. 297.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, June 16, 1883.

SIR: With reference to previous correspondence concerning the raids of Canadian Indians into the northwestern Territories of this country, I now have the honor to inclose herewith copies of correspondence in relation to the subject which I have received from my colleague, the Secretary of War.

I transmit these copies for your information, and as illustrating the good understanding prevailing between the American commanding officers on the frontier and the British commander at Fort Walsh, by which they are enabled to act in concert in repressing the marauding excursions of the Indians on either side of the line. This good understanding is the more gratifying and effective for the reason that the reference of these matters to Canada, by the way of Washington, might, by delay, defeat necessary action with due promptness.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., May 14, 1883.

ADJUTANT-GENERAL, *Department of Dakota, Fort Snelling, Minn.:*

SIR: I have the honor to forward herewith copies of a dispatch of the 7th instant from the commanding officer at Fort Assinniboine, reply to the same by myself, and a dispatch by him of the 10th instant, embracing a statement relative to the same general subject by the superintendent at Fort Walsh.

From knowledge before acquired as to the bands of Crees mentioned in the dispatch from commanding officer, Assinniboine, and in view of the fact that they were in the locality named, I did not, nor do I think there is reason to apprehend action by them more serious than occasional stealing raids, particularly against our agency Indians.

The force now at Assinniboine cannot, of course, nor could a much larger one, entirely prevent raids in the long (and with reference to our agency Indians) and par-

ticularly narrow stretch of country in question. An increase of force does not, in view of the probable removal of the Crees to the north, seem called for at present.

In explanation of the reference by Major Shurtleff, at Fort Walsh, to efforts made for return of horses and capture of the thieves, &c., I would say that he has reference to a raid made about the 5th instant by a party of Crees, by whom some forty horses were stolen from near Price's Crossing of the Marias, about 30 miles from Benton.

A party of citizens followed from there, and detachments were promptly sent out from Assinniboine to intercept the raiders, and word was sent to the camp at Sweet Grass, but it seems information was not received at Assinniboine in time.

Reports from the detachment have not yet been received.

Very respectfully, &c.,

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

FORT ASSINNIBOINE, MONT., *May* 7, 1883.

TURNER, *Acting Assistant Adjutant-General,*
District of Montana, Helena:

In contradiction of the opinion of Major Shurtleff, commanding officer, Fort Walsh, Northwest Territory, that the killing of the two Crees by Captain Norwood's command would have a beneficial effect on this side of the line, I have from time to time received information that the Crees are making preparations to make war upon the Territory of Montana on a large scale.

I am now in possession of information which admits of no doubt in my mind to consider the situation as serious, and one which calls for energetic and immediate measures on the part of the American authorities to prevent much bloodshed and loss in property.

There are congregated in camp at Lake Lougenine three hundred lodges of Crees, under the chiefs Big Bear, Little Pine, and Lucky Man. They indulge in nightly war speeches and war dances, and are urged on by these chiefs to cross the lines and attack the Gros Ventres and Assinniboines, as these American Indians have been killing their soldiers. War parties are fitting out and starting daily from their camp, and a combined hostile movement of several hundred Crees is in contemplation.

My informant, a French half-breed, who has been in American employ for many years, who can be trusted, and is ready to make oath to his statement, was in the Cree camp on the 1st and 2d of May, 1883, and heard all that was said, which he understands.

His name should not appear, as he will be of use to me as a courier to Walsh and as the bearer of news across the line, so I will not attempt to send any of my soldiers or Indian scouts across the line hereafter, this not being safe. I think the Canadian authorities should be called upon to promptly check this hostile demonstration of the Crees, if such is possible for them to do with the force available.

The camp of the Crees is at Lake Lougenine, near a small creek called Fish Creek, 22 miles east of Fort Walsh, 20 miles west of Frenchman's Creek, 15 miles from Captain McDonald station in the Cypress Mountains, and about a long day's ride from boundary line. Should have more pack animals at post and another interpreter without delay.

ILGES,
Lieutenant-Colonel, Commanding.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., May 7, 1883.

COMMANDING OFFICER, *Fort Assinniboine, Mont.:*

In reply to your dispatch of this date as to Crees at Lake Lougenine, &c., I desire that you send by messenger, without delay, to the commanding officer at Fort Walsh, a statement of information received by you and embraced in your telegram as to the collection of Cree bands near Lake Lougenine, that war parties have left for this side the boundary, and that a raid in force is intended to be soon made, and ask him to prevent if possible such raids; to inform you of the state of case as to these Crees, whether these Indians have recently collected there, their temper and talk, and what may be expected of them. So much as to letter to Walsh.

These Indians, if intending a raid soon, will be over the line long before anything would or could be done by the Canadian authorities in consequence of communication by the official round of Washington and Ottawa, and communication by letter to Walsh is all that can have timely effect as to the particular raid referred to in your telegram.

It would seem the authorities at Fort Walsh must know if these Indians have recently collected where they are reported to be, and it seems strange, if a camp has been recently formed, that news was not sent from Walsh.

Request quite urgently of commanding officer at Fort Walsh that he obtain reliable information as to the intention of these Indians. That they talk vengeance against Indians this side of the line is to be expected, and reports, besides those to you, to such effect have been received here, through persons recently from north of line and agent of Piegans.

If they mean only raids on our Indians, and stealing expeditions, the force disposable, with the aid of our Indians concerned, seems enough; but if they mean more, the case is different, and I will bring up the available troops of the district and ask for addition of outside; but that will take time, and I wish to feel sure of the necessity.

The commanding officer at Walsh can certainly get at the facts.

As to interpreter, unless reply is soon received from department headquarters telegram will be sent. What pack animals can be had from Maginnis will be sent for time being to Assiniboine.

You will receive in day or two circular from War Department defining course of action as to all Canadian Indians.

RUGER,
Commanding District.

FORT ASSINNIBOINE, MONT., *May* 10, 1883.

ADJUTANT-GENERAL, *District of Montana, Helena, Mont.:*

The following has just been received, and is furnished for the information of the district commander:

"FORT WALSH, *May* 9, 1883.

"SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant, concerning Cree raids into Montana, and the contemplated combined hostile movement of several hundred Crees against your Indians south of the line. That several small war parties of Crees have done a great deal of mischief in Northern Montana I am now aware, but that they have any particular hostile feeling and contemplate a combined movement against your Indians I assure you is not the case.

"Were they disposed to move in a body, they have not the means, it being impossible for them to procure sufficient ammunition. There is a large Cree camp about twenty-five miles east of this post. It has always been a favorite camping place for the Indians at this season of the year, as they are able to catch a great number of fish and have good feed for their horses.

"I am in almost daily communication with camp, and one might think the departure of a war party would easily be known, but such is not the case, as you are probably aware. They do not leave in a body, but quietly at night, one at a time, and then meet at an appointed place. Many small parties leave camp in that way, with very few others knowing anything about it. This will account for my not being able to warn you in time to intercept the parties. The raiding is not confined to our Indians alone, as war parties of Sioux, Assiniboines, and South Piegans have been seen in these hills; but thanks to your kindness in sending a special messenger to warn me of the approach of a war party of Piegans, the settlers and railway contractors have been able to guard against any great loss of stock, although small numbers of horses have been stolen from this country and at different points along the railway. No one regrets this state of affairs more than I do, and I have done everything in my power to prevent these Crees from crossing the line, as I shall continue to do.

"Our Government, to prevent future raids by these Crees, has decided to send them away from these hills. Several hundred have already been sent east by rail, and the assistant Indian commissioner is here at the present time to arrange for transportation to move all that are here to the North Saskatchewan. The Indians, knowing they were to go, have stolen all the horses they possibly could to take with them. Fortunately we have recovered nearly all of them stolen from white men in Montana that we have any information about.

"Your informant was in the Crees camp soon after they received the news that two of their people had been killed, and about that time a war party returned from the Sweet Grass Hills with two scalps they had taken from Piegans. That would account for their loud talk, their war dance, and excitement at the time. Colonel Irvine, determined to put a stop to these Cree raids, ordered the arrest of the Indians who were engaged in the theft of Kipp's horses. I succeeded in finding four of them, whom the colonel sentenced to five years in the Manitoba penitentiary, and had them sent there at once.

"Yesterday morning four of Baker & Co.'s men overtook, about 10 miles from here, six of the war parties who had stolen their horses, and recovered seventeen head of them;

then came and reported the matter to me. I immediately sent out a party under Sergeant Peterson to the Big Camp, and succeeded in recovering the balance of the horses, with the exception of four, which they left on the road, and captured ten of the war party, whom Colonel Irvine on his return will probably sentence to the same term of imprisonment that he gave the other four. This severe lesson will, I believe, have the effect to check any more contemplated raids.

"I shall, however, watch them closely, and give you timely warning of the departure of any great number of Indians.

"Very respectfully, &c.,

"A. SHURTLEFF,
"*Superintendent, Commanding Post.*"

ILGES,
Commanding.

From copies.

THOS. H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., May 20, 1883.

Official copy respectfully forwarded to headquarters Military Division of the Missouri. I agree with Colonel Ruger that there is no reason to apprehend anything more serious from the Crees than occasional "stealing raids," which I think can be controlled with the force available.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, June 5, 1883.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

No. 298.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, June 16, 1883.

SIR: With reference to previous correspondence concerning the raids of Canadian Indians into the northwestern Territories of this country, I have the honor to inclose herewith for your information copies of correspondence which I have received from my colleague, the Secretary of War, in relation to the disposition made of certain Cree Indians held as prisoners at Fort Assinniboine.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1.]

Capt. Paul to Lieut. Bates.

FORT ASSINNIBOINE, MONT., *May 3, 1883.*

SIR: I have the honor to report that, in compliance with orders No. 59, Fort Assinniboine, Mont., May 1, 1883, I took charge, with my company (K), of 81 Cree Indians prisoners at this post, and conducted them to the international boundary line. I

left the post at 11 o'clock a. m. on the 1st of May, and marched 17 miles and encamped; on the following day marched 23 miles and encamped on the line, sending the Indians across the border, and turning over to them all their property except their arms. I also, in accordance to directions from the commanding officer, issued them four days' rations and gave them the verbal instructions I had received from the post commander. Returning, I left camp near the line 5.10 a. m. on the morning of the 3d of May, and reached Fort Assinniboine at 3.30 p. m. on the same day.

In conclusion I desire to express my satisfaction for the assistance rendered by Lieutenant McClure, and for the soldierly manner in which the non-commissioned officers and privates of the company performed their duty, and for the efficient service rendered by Interpreter Rere.

Very respectfully, &c.,

C. R. PAUL,
Captain Eighteenth Infantry, Commanding Company K.

[Inclosure 2.]

Lieutenant Doane to Acting Assistant Adjutant-General Turner.

FORT MAGINNIS, MONT., *May* 12, 1883.

Four lodges Crees here; two more coming in; also twelve Crees captured by Steele at mouth of Musselshell en route to post. Steele is after more. Ask orders.

DOANE,
Lieutenant Commanding.

[Inclosure 3.]

Acting Assistant Adjutant-General Turner to Lieutenant Doane.

HEADQUARTERS DISTRICT OF MONTANA,
HELENA, MONT., *May* 13, 1883.

Referring to your telegram of the 12th instant, district commander directs that you take their arms from them, and when all the Crees have been collected send them under escort to Fort Assinniboine and turn them over to the commanding officer at that post.

By order of Colonel Ruger.

TURNER,
Acting Assistant Adjutant-General.

No. 299.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 21, 1883. (Received June 22.)

SIR: With reference to Mr. Davis's notes of the 7th and 10th ultimo, I have the honor to inclose copy of an approved report of a committee of the privy council of Canada relative to the stealing by Canadian Cree Indians of a number of horses on the Teton River, Montana.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 14th of June, 1883.

The committee of the privy council have had under consideration a note dated 10th May, 1883, from the British minister at Washington, calling attention to his dispatch of the 8th of May relative to the stealing by Canadian Cree Indians from an

American citizen, on the Teton River in the Territory of Montana, of a number of horses. The minister of the interior, to whom the note and dispatch in question were referred, stated that from a dispatch received from the Northwest he is under the impression that all the horses, with the exception of four, which were stolen at the Teton River have been recovered and returned to their owners, and that ten of the Indians who formed the raiding party are now in custody at Fort Walsh, waiting trial.

The committee advise that a copy of this minute, when approved, be transmitted to Her Majesty's minister at Washington, for the information of the United States Government.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 300.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, June 25, 1883.

SIR: With reference to previous correspondence concerning the incursions of Cree Indians into Montana Territory, I have the honor to inclose herewith a copy of a report received through the Secretary of War concerning the disposition which Lieutenant Adams made of certain Indian prisoners on the 28th ultimo.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

Lieutenant Adams to Lieutenant Bates.

FORT ASSINNIBOINE, MONT., *May* 30, 1883.

SIR: I have the honor to submit the following report of my compliance with orders No. 81, dated Fort Assinniboine, Mont., May 26, 1883:

With a guard of two non-commissioned officers and eight privates of Company H, Eighteenth Infantry, in charge of forty-seven Indian prisoners, I left the post at 7.30 o'clock a. m. the 27th instant, and, taking the main Fort Walsh road, marched about 22 miles and camped at Red Rock boulie, which place I reached at 2.30 o'clock. I here issued one day's rations to prisoners.

I left camp at 1 o'clock a. m. the 28th, and, with guard and prisoners, arrived at the international boundary line at 12 o'clock m. the same day; distance traveled about 18 miles.

In compliance with the orders of the post commander of Fort Assinniboine, I took charge of all of the animals belonging to the Crees, viz, four horses and two colts, and brought them back to the post. I also destroyed (burned) two carts, property of the same parties, and notified the prisoners that on no pretext whatsoever must any Cree Indians recross to this side of the line, and that if found in Montana hereafter they would be considered enemies and horse-thieves and be severely punished. I then issued them five days' rations and saw them cross the line. They said they would go about 4 miles north and then camp for the night. At 2.30 o'clock p. m. I started on my return, marched about 13 miles, and at 1 o'clock p. m. camped near a small lake. I left this camp at 1.30 a. m. the 29th, and arrived at the post at 2.30 p. m. same day; distance traveled about 27 miles. On my arrival at the post I turned over to the quartermaster's department the four horses and two colts. The quartermaster's department furnished me with two six-mule teams for the performance of this duty. The whole distance traveled was about 80 miles.

Very respectfully, &c.,

H. H. ADAMS,
Lieutenant Eighteenth Infantry, Commanding Company H.

No. 301.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 29, 1883. (Received June 30.)

SIR: I have the honor to transmit herewith copy of a report of a committee of the privy council of Canada on the subject of a projected cable connecting the Canadian Government telegraph system near Victoria, Vancouver's Island, and Point Angelos, Washington Territory, and to submit to you the request therein contained for permission to land the proposed cable in Washington Territory.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 13th of June, 1883.

On a report dated 8th June, 1883, from the minister of public works, submitting that it is proposed to lay a cable for the purpose of connecting the Canadian Government telegraph system near Victoria, Vancouver's Island, and Point Angelos, Washington Territory, there to connect with the Puget Sound Telegraph Company's line to Seattle and with the United States Government line to Cape Flattery, the minister represents that an additional cable route would then be provided between Vancouver's Island and the mainland of British Columbia, and also with the United States and Eastern Canada.

The minister recommends that your excellency be moved to communicate with the honorable Mr. Sackville West, the British minister at Washington, and request him to seek the permission of the United States Government to land the proposed cable in Washington Territory.

The committee concur in the recommendation of the minister of public works, and submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 302.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 29, 1883. (Received June 30.)

SIR: I have the honor to forward herewith for your perusal copies of two reports of a committee of the privy council of Canada relative to Indian raids, which have been communicated to me by the Marquis of Lorne.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 14th of June, 1883.

The committee of the privy council have had under consideration the following dispatches from Her Majesty's minister at Washington: Dispatch No. 38, of the 19th of April, 1883; No. 41, of the 30th of April; No. 42, of the 2d May, and No. 43, of the 4th

May, 1883, all having reference to the incursion of a band of Canadian Cree Indians into United States territory.

The minister of the interior, to whom these dispatches were referred, states that the commissioner of the northwest mounted police has reported having recovered 25 of the stolen horses on the return of the Indians to Canada, and also having arrested, tried, and sentenced to five years' imprisonment in the penitentiary four of the Cree Indians who were engaged in the raid upon ranchmen south of the international boundary line.

The committee advise that a copy of this minute, when approved, be transmitted to the British minister at Washington for the information of the United States Government.

JOHN J. McGEE,
Clerk Privy Council, Canada.

[Inclosure 2.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 14th of June, 1883.

On a report dated 9th June, 1883, from the minister of the interior, transmitting a letter, under date 25th May last, from the commissioner of the northwest mounted police, together with inclosure from Superintendent A. Shurtleff, commanding the northwest mounted police at Fort Walsh, and Lieutenant-Colonel Ilges, commanding the United States troops at Fort Assiniboine, on the subject of an alleged threatened invasion of Montana by Canadian Cree Indians:

The committee recommend that your excellency be moved to transmit a copy of this minute, when approved, together with copies of the reports from the northwest mounted police to honorable Mr. Sackville West, Her Majesty's minister at Washington, with the request that they will be forwarded to the United States Government.

JOHN J. McGEE,
Clerk Privy Council, Canada.

[Inclosure 3.]

Colonel Irvine to Mr. White.

NORTHWEST MOUNTED POLICE HEADQUARTERS,
Regina, May 25, 1883.

SIR: I inclose herewith copy of a communication from the officer commanding United States troops at Fort Assiniboine, Montana, to Superintendent Shurtleff; also a copy of the last-named officer's reply thereto. I further inclose copy of a communication from Superintendent Shurtleff relating to a raid made by our Indians on J. G. Baker & Co.'s herd in Montana.

I have, &c.,

A. G. IRVINE,
Commissioner.

Major Shurtleff to Colonel Irvine.

FORT WALSH, *May* 20, 1883.

SIR: I have the honor to inform you that on the morning of the 8th instant four men arrived here from Baker & Co.'s ranch in Montana and reported to me that a war party of Cree Indians had stolen from Baker & Co.'s cattle ranch thirty-one head of horses; that they had followed closely on their trail, and had seen ten of the war party with seventeen of the horses about ten miles south of this post. I at once sent out a party of ten men under Sergeant Patterson, with instructions to recover the horses and arrest the raiding party.

While on the way to the Cree camp, which is about thirty miles from this post, Sergeant Patterson overtook ten of the war party with twenty-three of the horses. He at once sent the Indians, under arrest, together with the horses, back to the fort. On arriving at the camp he found six more of the horses, making twenty-nine of the thirty-one stolen. The other two the Indians said they had left on the way. The

requiring ships' papers to be deposited with the port officers, and to inform you that the American minister at Caracas has been advised that Her Majesty's minister at that capital will act in concert with him in the matter.

I have, &c.,

JOHN DAVIS,
Assistant Secretary.

No. 284.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, January 26, 1883.

SIR: Referring to previous correspondence between the Department and your legation concerning the incursions of British Indians into Montana Territory, I now have the honor to transmit herewith a copy of a telegram of the 11th instant, from the commanding officer of the United States forces at Poplar River, reporting that serious trouble is apprehended from the Canadian Indians, who are intruding on the Fort Peck Indian Reservation, and to request you to communicate this information to the Dominion authorities in order that they may co-operate with the officers of this country in the removal of the intruders.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.—Telegram.]

POPLAR RIVER, MONTANA,
January 11, 1883.

BRECK, *Assistant Adjutant-General, Fort Snelling:*

Agent Porter has called upon me to remove intruders from reservation, apprehending serious trouble between them and Indians. Sent detachment last night, and will overtake them myself to-day; go in command of party, and capture or remove all trespassers I can find.

READ,
Commanding.

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., January 15, 1883.

Official copy respectfully forwarded to headquarters Military Division of the Missouri.

ALFRED H. TERRY,
Brigadier-General, Commanding.

No. 285.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, February 3, 1883.

SIR: Referring to my note to you of the 17th ultimo, in relation to the transit of Chinese laborers through the territory of the United States when passing to or from a third country, I have now the honor

That several small war parties of Crees have done a great deal of mischief in Northern Montana, I am now aware, but that they have any particular hostile feeling and contemplate a combined movement against your Indians, I assure you is not the case. Were they disposed to move in a body, they have not the means, it being impossible for them to procure sufficient ammunition.

There is a large Cree camp about 25 miles east of this post. It has always been a favorite camping place for Indians at this season of the year, as they are able to catch a great number of fish and have good feed for their horses. I am in almost daily communication with this camp, and one might think that the departure of a war party would easily be known, but such is not the case. As you are probably aware, they do not leave in a body, but quietly at night, one at a time, and then meet at an appointed place. Many small parties leave camp in that way, with very few others knowing anything about it. This will account for my not being able to warn you in time to intercept these parties. This raiding is not confined to our Indians alone, as war parties of Sioux, Assiniboines, and South Piegans have been seen in these hills, but thanks to your kindness in sending a special messenger to warn me of the approach of a war party of Piegans, the settlers and railway contractors have been able to guard against any great loss of stock, although small numbers of horses have been stolen from this country and at different points along the railway. No one regrets this state of affairs more than I do, and have done everything in my power to prevent these Crees raiding across the line, as I shall continue to do.

Our Government, to prevent future raids by these Crees, has decided to send them away from these hills.

Several hundred have already been sent east by rail, and the assistant Indian commissioner is here at the present time to arrange for transportation to move all that are here to the North Saskatchewan. The Indians, knowing that they were to go, have stolen all the horses they possibly could to take with them. Fortunately we have recovered nearly all of those stolen from white men in Montana that we have any information about. Your informant was in the Cree camp soon after they had received the news that two of their people had been killed, and about that time a war party returned from the Sweet Grass Hills with two scalps they had taken from Piegans; that would account for their loud talk, their war dance, and excitement at the time.

Colonel Irvine, determined to put a stop to these Cree raids, ordered the arrest of the Indians who were engaged in the theft of Kipp's horses. I succeeded in finding four of them, whom the colonel sentenced to five years in the Manitoba penitentiary, and had them sent there at once.

Yesterday morning four of Baker & Co.'s men overtook, about ten miles from here, six of the war party who stole their horses, and recovered 17 head of them; then came and reported the matter to me. I immediately sent out a party under Sergeant Patterson to the Big Camp, and succeeded in recovering the balance of the horses, with the exception of four, which they left on the road, and captured ten of the war party, whom Colonel Irvine on his return will probably sentence to the same term of imprisonment that he gave the other four. This severe lesson will, I believe, have the effect to check any more contemplated raids. I shall, however, watch them closely, and give you timely warning of the departure of any great number of Indians.

Very respectfully, &c.,

A. SHURTLEFF,
Superintendent, Commanding Post.

No. 303.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *July* 2, 1883. (Received July 3.)

SIR: I have the honor to inclose herewith copy of an approved report of a committee of the privy council of Canada, together with copies of reports from the northwest mounted police force, relative to certain hostilities between some Yankton Indians and half-breeds, which have been forwarded to me by the Marquis of Lorne, for the information of the United States Government.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 14th of June, 1883.

On a report dated 9th of June, 1883, from the minister of the interior, transmitting a letter under date 8th of May ultimo, from Superintendent and Adjutant John Cotton, of the northwest mounted police, forwarding a report from Inspector A. R. Macdonell, commanding the mounted police at Wood Mountain, Northwest Territories, to the effect that a number of half-breeds, camped near the boundary line, had been attacked by eighteen Yankton Indians, and that during the fight one Yankton Indian and a number of horses were killed; and, further, that a number of half-breed hunters *en route* from the Missouri River to Wood Mountain had been robbed and all their horses taken from them. The minister directs attention to the statement of Inspector Macdonell to the effect that the American Indians asserted that they had received orders from their agent to take possession of any horses found on their reservation:

The committee recommend that your excellency be moved to transmit a copy of this minute, when approved, together with copies of the reports from the northwest mounted police force, to the honorable Mr. Sackville West, Her Majesty's minister at Washington, with the request that they will be forwarded to the United States Government.

JOHN J. McGEE,
Clerk Privy Council, Canada.

[Inclosure 2.]

Superintendent of northwest mounted police to department of the interior of Canada.

NORTHWEST MOUNTED POLICE HEADQUARTERS,
Regina, May 8, 1883.

SIR: In the absence of the commissioner, I have the honor to inclose herewith copy of a communication I am just in receipt of from Inspector Macdonell, commanding northwest mounted police post at Wood Mountain.

I have, &c.,

JOHN COTTON,
Superintendent and Adjutant.

Inspector Macdonell to Superintendent Cotton.

WOOD MOUNTAIN, *May* 1, 1883.

SIR: I have the honor to report for your information that I have just been informed that a party consisting of six Crees and three half-breeds were camped near the Mud Houses about a week ago. I am not positive whether they were on the Canadian or American side of the line. I am told by some that they were on the Canadian side. They were attacked by eighteen Yanktons (American Indians) about dark. Our people drove them off. The camp was again attacked at midnight, and the Yanktons again driven off. About daylight the Yanktons again attacked the camp. Some horses were killed and one American Indian. A number of half-breeds, hunters, *en route* from the Missouri to Wood Mountain, have been robbed and all their horses taken from them. The American Indians state that they had received orders from their agent to take possession of any horses found on their reservation. Formerly these Yanktons only stole horses during the night; this spring they take horses from any party not strong enough to stand them off.

I have, &c.,

A. B. MACDONELL,
Inspector, Commanding Post.

No 304.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *July* 25, 1883. (Received July 27.)

SIR: I have the honor to inclose to you herewith a copy of an approved report of a committee of the privy council of Canada, with its inclosures from the commissioner of the northwest mounted police, re-

specting the stealing from Canadian territory by South Piegan Indians from the United States of a number of horses, the property of settlers and others, which has been forwarded to me by the Marquis of Lorne for the information of the United States Government.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 7th of July, 1883.

On a report dated 27th June, 1883, from the minister of the interior, transmitting communications annexed, under dates the 18th and 21st instant, from Lieutenant-Colonel Irvine, the commissioner of the northwest mounted police, reporting the stealing from Canadian territory by South Piegan Indians from the United States of a number of horses the property of settlers and others:

The committee recommend that your excellency be moved to transmit a copy of this minute, when approved, together with copies of the annexed correspondence from the commissioner of the northwest mounted police, to Her Majesty's minister at Washington, with the request that they will be forwarded to the United States Government.

JOHN J. McGEE,
Clerk Privy Council for Canada.

[Inlcosure 2.]

Colonel Irvine to Mr. White.

NORTHWEST MOUNTED POLICE HEADQUARTERS,
Regina, June 18, 1883.

SIR: I have the honor to inform you that on or about the 20th of May last a number of horses belonging to settlers and others about Maple Creek were stolen from there by South Piegan Indians. I inclose herewith the statement of one of the men who had his horses stolen, who followed the Indians into United States territory.

I have, &c.,

A. G. IRVINE.

[Inclosure 3.]

Statement of Jules Quesnelle.

On or about 20th May last I was camped at the siding of the Canada Pacific Railway at Maple Creek. On waking in the morning I found ten of my horses gone. I then found that Pellitor, Degau, St. Denis, Anderson, George Guno, Colin, McKay, and Girard had lost their horses as well; also four of Mr. Galt's horses, which were tied to a tent, were gone, about 48 head in all. I at once found tracks, and followed them about ten miles south. I was therefore sure that it was South Piegans who had taken the horses. I came back for equipment and started out next day in company with Girard, Charles McCune and St. Denis, for the Piegan Reserve. We started for Fort Assinniboine via Fort Walsh and then went on to Fort Benton, where I heard that the soldiers at Joe Kipp's had eleven head. Out of the eleven, eight of them were mine. I went on to Kipp's and there found my eight horses, one of Mr. Galt's, and two belonging to one of the men at Maple Creek. While at Kipp's I heard that some of the horses had gone to the Piegan Reserve and some to the Marias. I and Girard then started to return to Maple Creek, the other two men going on to the Piegan Reserve. While on the road we camped in the United States military camp at the Sweet Grass Hills, and heard there were some Indians camped about five miles off. Next morning I went to the officer commanding the American troops, and told him I thought some of the stolen horses were in the Indian camp near. He then sent some soldiers with me and I went to the Indian camp. The officer asked the Indians if there were any stolen horses there, and the Indians said, "There

were their horses; he could go and look for himself." I went amongst the horses, but the only two I could identify was one of Mr. Galt's and one of Girard's. On proceeding to take these two horses the Indians did not want to give up Mr. Galt's horse, and the officer told me to take the horse and bring it on to the camp. I was about to lead the horse away, when the Indians fired and shot the horse I was leading, belonging to Mr. Galt. I then went back to the camp with the soldiers and returned to Maple Creek, arriving on the 7th June.

JULES QUESNELLE.

[Inclosure 4.]

Colonel Irvine to Mr. White.

NORTHWEST MOUNTED POLICE HEADQUARTERS,
Regina, June 21, 1883.

SIR: I have the honor to inform you that, during the present month, eleven of our horses were run off by Indians from the United States in the immediate vicinity of Fort Walsh. A report from Superintendent Shurtleff giving details of the occurrence has unfortunately been mislaid; he has, however, been instructed to send a copy of this report, which I trust I shall be able to forward you in a day or two. In the mean time I might mention that a telegram has been received from Colonel Ilges, commanding United States troops, Fort Assinniboine, to the effect that our horses were captured by him from South Piegans. I am also in receipt of a telegram from J. G. Baker & Co., stating that the horses were taken from the Indians in the vicinity of the Sweet Grass Hills.

I have, &c.,

A. G. IRVINE.

No. 305.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, July 26, 1883.

SIR: With reference to Mr. Saurin's note of the 28th of February last, referring to previous correspondence and denying the reports received by this Government to the effect that the Milk River country was overrun with Canadian Indians and half-breeds, I now have the honor to inclose herewith for the information of Her Majesty's Government a copy of a letter to this Department from the War Department on the subject.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Tweedale to Mr. Frelinghuysen.

WAR DEPARTMENT, *July* 13, 1883. (Received July 14.)

SIR: I have the honor to acknowledge the receipt of your letter of March 5 last, inclosing copy of a note from the British legation at this capital, together with a copy of a communication from the inspector of the northwestern mounted police, commanding Wood Mountain post, on the subject of the movements of the half-breeds and hostile Indians in the vicinity of Milk River, Montana, in which communication the inspector asserts that the reports that the Milk River country is overrun with Canadian half-breeds are not correct.

In reply I beg to inform you that the matter was referred to the commanding general of the Department of Dakota, who was instructed to cause a careful statement to be made of the number of half-breeds and Canadian Indians who have been,

during the past autumn and winter, in the Milk River country and on adjoining reservations in the Territory of Montana.

I have now the honor to invite your attention to the inclosed copies of the respective reports on this subject from the commanding officers of the Department of Dakota, the District of Montana, and the camp on Poplar River, Montana, and also to the inclosed statement, marked A, compiled at the headquarters of the Department of Dakota, from the best information that could be obtained.

Copies of the inclosed papers have been furnished the Department of the Interior to-day.

Very respectfully,

JOHN TWEEDALE,
Chief Clerk (for the Secretary of War, in his absence).

Copy of indorsements on (2445, Adjutant-General's Office, 1883) communication from Adjutant-General of March 9, 1883, furnishing, for the information of the commanding general, Military Division of the Missouri, copy of letter from State Department to Secretary of War, inclosing copy of a note from the British legation on the subject of the movements of half-breeds and hostile Indians in the vicinity of Milk River, Montana, &c.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, March 14, 1883.

Respectfully referred to the commanding general, Department of Dakota, for investigation and report, attention being invited to the statement contained in the letter of A. R. Macdonell, inspector, commanding mounted police Northwestern Territory, Wood Mountain.

The commanding general, Department of Dakota, will please cause a careful statement to be made of the number of half-breeds and Canadian Indians who have been in the Milk River country and on the reservation referred to, and return these papers with a full and detailed report as possible to these headquarters.

By command of Lieutenant-General Sheridan.

R. WILLIAMS,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., June 8, 1883.

Respectfully returned to the headquarters Military Division of the Missouri.

Attention invited to the inclosed reports of the commanding officer of the district of Montana, the commanding officer Camp Poplar River, Montana, and the inclosed statement marked A.

SAMUEL BRECK,
Assistant Adjutant-General,
In absence of the brigadier-general commanding.

[Third indorsement.]

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
Chicago, June 16, 1883.

Respectfully forwarded to the Adjutant-General of the Army for the information of the Secretary of War.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Captain Read to assistant adjutant-general, Department of Dakota.

CAMP POPLAR RIVER, MONT.,
April 6, 1883.

SIR: In compliance with your indorsement of March 19 on copies of correspondence relative to a movements of half-breeds and hostile Indians in the vicinity of Milk River, Montana, I have the honor to report as follows: On the 26th of November I sent First Sergeant Neeland, Company B, Eleventh Infantry, with a small party to the Milk River country to hunt for the command and observe the movements of the

half-breeds and Indians. Immediately after his arrival there he saw what he believed to be half-breeds running buffalo. Following them up, he captured seven half-breeds, with train of nine carts loaded with meat and robes, on their way north, whom he permitted to go in consideration of information given him regarding other parties. He then followed a party of twenty or twenty-five half-breeds with thirty-nine carts, came in sight of them, but was unable to overtake them before reaching the Canadian line. He therefore turned back to strike another party of whom he had been informed, and found them near Campbell's Crossing of Milk River. The party, consisting of thirty-three half-breeds and four or five Cree Indians, abandoned their train and fled with their ponies, leaving in Neeland's hands fifty-eight carts, 200 robe hides, and about 15,000 pounds of meat. He afterwards saw another party of five half-breeds with seven carts, making in all about seventy-five half-breeds and Cree Indians with ninety-three carts seen by this party during an absence of thirteen days. A few days after Sergeant Neeland's return a party sent out by the Indian agent, with which was a non-commissioned officer from this post on furlough, Corporal Yesson, Company B, Eleventh Infantry, from whom I got my information, captured a party of ten half-breeds, saw five other half-breeds at one time, eight half-breeds and twenty-five or thirty Indians at another, thirteen half-breeds at another, about sixty-six in all, and also saw large numbers of half-breeds or Indians hunting buffalo every day for ten days. Corporal Yesson was informed by hunters that about one hundred half-breeds and Indians had gone up Beaver Creek.

On the 28th of February, Scout Culbertson, with one white man and six Indians, captured nine lodges of Crees (forty-seven Indians all told, of whom eleven were bucks), near head of Beaver Creek, and brought them to Timber Creek, where they were turned over to a detachment sent to meet them, and afterwards sent across the line by order of the department commander. These Indians were part of a camp of thirty lodges that had been removed from the big bend of Milk River, by troops from Fort Assininiboine a short time before, and were moving towards Missouri River. They stated that the other twenty-one lodges returned to their old camp after the troops had left. A white man in the employ of the Indian bureau, and others whom I know to be perfectly reliable, have informed me that about fifty families of Canadian half-breeds have been all winter south of the Missouri, within a few miles of Fort Peck. All of these people mentioned were trespassing upon the Fort Peck Indian Reservation, and all except those last named in what is known as the Milk River country.

On the 21st of December, 1882, I left post myself and scouted that section of country thoroughly, returning December 31. I found no half-breeds or Indians, but the snow, which had fallen within two weeks, was packed down by "jumpers" or half-breed sleighs into well-beaten roads, the principal ones leading towards Wood Mountain, with smaller trails running into them from the hills in every direction. These trails showed conclusively that hundreds of "jumpers" had passed over them since the snow fell, and confirmed the report made to me that half-breeds in large numbers had been there a few days before my arrival.

The numbers given above as having been seen are only such as have been reported to me officially; many others have been reported by outside parties, which I have no means of verifying. So far as I know, no Canadian half-breeds have wintered on the reservation, except those south of the Missouri, who have now left; but that the reservation has been overrun by them and hostile Indians, as well as by white hunters, to such an extent as to intimidate the reservation Indians and keep them from their best hunting grounds, there is not a shadow of a doubt. I use the term "hostile Indians" not only with reference to the remnant of the Sioux in Canada, but the Crees as well, who are numerous and hostile to the reservation Indians. The fact that these people made their camps and left their families north of the line does not materially diminish the number of men hunting buffalo on this side.

Inspector Macdonell seems to have ascertained the number of white hunters on the reservation with more accuracy than I have been able to do, and the report he mentioned as having come from the "United States authorities at Poplar River" is certainly incorrect. Every white hunter I have been able to find has been removed, but when it is considered that they are scattered over a large extent of country in parties of from two to six, the difficulties in the way of removing all of them are obvious.

As for Scout Culbertson, he has served under my immediate command more than two years, has proved himself an excellent scout and interpreter in every respect, and in every case where I have acted on reports made by him they have been fully verified. His field service the past winter has been mostly with detachments of troops where the reports have been made by others.

Very respectfully, &c.,

O. B. READ,
Captain Eleventh Infantry, Commanding Post.

Colonel Ruger to adjutant-general, Department of Dakota.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., April 24, 1883.

SIR: I have the honor to forward herewith report of the 8th instant by the commanding officer of Fort Assinniboine, Mont., relative to raids recently made south of the boundary line by Canadian Indians, principally Crees; also, statements by Mr. John Young, United States Indian agent at the Blackfeet Agency, and by Mr. William Rowe, deputy United States marshal, living at Fort Benton, regarding the same general subject. A summary of essential facts embraced in the papers is as follows

On the night of the 15th of March ultimo 111 ponies were stolen from the Piegans at the Blackfeet Agency, but the thieves were not overtaken. Their course was direct for the boundary line, and the party were no doubt Crees.

About the 15th March last a party of Crees, under leadership of "Cut-foot," left the vicinity of Fort Walsh, crossed the boundary, and, on the 18th and 19th, killed the work oxen belonging to Mr. Clark Tingley, of Fort Benton, near Mr. Joseph Kipp's ranch, which is on the Marias River, about 80 miles from Benton, and stole from Mr. Kipp forty-three horses, and from Mr. Guadupié, near there, five horses; and from Mr. Solomon Abbott, at Willow Round, up the Marias from Mr. Kipp's ranch, twenty horses. Pursuit was made by a party of agency Piegans, at the time near Mr. Kipp's ranch, who overtook the raiders on the morning of the 19th and killed two, but the main party of about fifteen remaining escaped across the line, and arrived on the 21st, with the stolen horses, in the vicinity of Fort Walsh. Of these horses, seven were afterwards recovered through the efforts of officers of the northwest police at Fort Walsh.

On the night of April 1 a party of Cree Indians stole horses—reported at sixty-seven—from the Gros Ventre camp on People's Creek. Of these, thirty-seven were recovered near the boundary by a pursuing party, but the thieves escaped.

On the 17th instant seventeen horses were stolen by a party of Crees from Mr. John Galbraith, about 28 miles from Fort Benton, on the Teton River. Information of this was received on the 18th instant by the commanding officer at Fort Assinniboine, who promptly dispatched troop L, Second Cavalry, Captain Randolph Norwood, with Indian scouts, to intercept the raiders.

A party of seventeen Crees, presumed to be the same, were overtaken near White Horse Lake to the east of Sweet Grass Hills, making their way with stolen horses for the boundary. These Crees fired on the advanced party of scouts. One of the Indians was killed by return fire, and, the troop coming up, one other was killed, the rest of the Crees then making good their escape across the boundary in the direction of Fort Walsh.

Special report has been made as to this affair.

On the 14th instant sixty-nine Cree Indians (men, women, and children), who came from the vicinity of Fort Walsh, were found south of the boundary near Fort Assinniboine. They said they came south to get food, hunt and truck. They have been sent north of the line.

From communications before received, and as appears by the letters from Major Shurtleff, commanding at Fort Walsh, to the commanding officer at Fort Assinniboine, attached to the report of Colonel Ilges, the officers of the northwest police are anxious to put a stop to these incursions, but, probably from lack of adequate force, have not. Removal of the Crees to the North Saskatchewan, referred to in the letter of the 6th instant by Major Shurtleff, would do much to put a stop to their forays. The recent activity of these Indians in horse-stealing south of the line, particularly by those in the vicinity of Fort Walsh, may be due to expectation on their part of having to move north soon. Presentation of the subject would be incomplete were no reference made to conduct in like regard by our Indians. Stealing parties of them have at times, no doubt, been north of the border, but the evil resulting has been comparatively small. A communication from Colonel Irvine, then commanding officer at Fort Walsh, was received in November last by the commanding officer at Fort Shaw, to the effect that a large number of horses had been stolen from the vicinity of Fort Walsh and supposed to have been taken to the agency on this side of the line. This matter was inquired into, but no evidence found that the Indians of the Blackfeet Agency or other Indians this side of the line were guilty. A copy of the letter of Colonel Irvine, and a statement by United States Indian Agent John Young, are attached. No other complaint of like acts by our Indians has, so far as I have information, been made within a year past.

The rumor mentioned by Mr. Young that ranchmen on the Teton, from whom horses had been stolen, had been north of the boundary to make good their losses by theft in return, I heard nothing of at the time and do not credit.

Report has been made of the particular dispositions of troops recently made and ordered with reference to raids by Canadian Indians south of border, particularly to the region of the Marias River.

Very respectfully, &c.,

THOMAS H. RUGER,
Commanding District of Montana.

h for your information a copy of a report received by the War De-
tment in relation to the capture of a party of British intruding In-
ns on the 14th ultimo, by the commanding officer at Fort Assinni-
ne.

nviting your attention to the indorsement on the communication
ve mentioned, of the 20th ultimo, of the department commander,
ecting that the captured Indians should be conducted under escort
he line and sent across with the rifles and ponies they had, unless
thieves or stolen stock could be identified,

I have, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

HELENA, MONT., *April* 15, 1883.

UTANT-GENERAL, *Department of Dakota, Fort Snelling, Minn:*

ommanding officer Assinniboine reports capture near there yesterday 69 Crees—16
, balance women and children. Took from them 5 rifles, 19 horses, and asks orders
o them and property. I am not sure what action would be desired in this case.
o the property, Crees have lately stolen many horses from Indians this side of
and killed some cattle on the Marias. This does not appear distinctly a stealing
y.

RUGER,
Commanding District.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., April 20, 1883.

MANDING OFFICER, *District Montana, Helena, Mont.:*

fter considering your telegram of the 15th, the department commander thinks
under the circumstances to send the Crees under escort to the line, and send them
ss, with the few rifles and ponies they had, unless the thieves or stolen stock can
dentified. Take action accordingly.
y order General Terry.

SAMUEL BRECK,
Assistant Adjutant-General.

No. 294.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, May 10, 1883.

IR: Referring to recent correspondence concerning the raids of Ca-
ian Indians into Montana Territory, I now have the honor to inclose
ewith for your information a copy of a telegram received by the War
partment reporting that seventeen horses were stolen on the 17th
mo from an American citizen residing on the Teton River by Cree
ians.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

raids to intercept and punish, I have been powerless to act effectively. By the time information reaches me the marauders are in safety across the boundary line. I respectfully suggest that the remedy for recovery of the stolen stock lies with the Canadian authorities, and the strongest effort of this Government should be put forward to bring about the desired result.

A summer camp, consisting of one company of cavalry and one company of infantry, established on the eastern slope of the Sweet Grass Hills, where there is good water and plenty of grass and timber, would, in my opinion, be of great advantage to prevent raids of Canadian Indians into the settlements, and, if such are made, to intercept and punish.

Very respectfully, &c.,

GUIDO ILGES,
Lieutenant-Colonel Eighteenth Infantry, Commanding.

Major Shurtleff to Colonel Ilges.

NORTHWEST MOUNTED POLICE,
Fort Walsh, April 5, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th of March, concerning the Cree raid into Montana.

I have been doing all in my power to recover Kipp's stock, but find it very slow work, as they are cachéd in small numbers about the hills and moved about every day. I will undoubtedly be able to recover them, but it will take some time to get them all. The Indians state that they left several of them on the road, played out.

I have, &c.,

A. SHURTLEFF,
Superintendent, Commanding Post.

Colonel Ilges to commanding officer, Fort Walsh.

FORT ASSINNIBOINE, MONT.,
April 4, 1883.

SIR: The inclosed communication has just reached me from Belknap by courier:

"I respectfully request that you will take such measures as you may deem necessary to effect a recovery of the stolen stock, or such part of it as you may be able to find in the possession of the marauding party. I will also thank you to furnish me such information as you may have of the stock stolen from the Marias River, and which I have been informed was taken to your post on the 21st of March. Any assistance rendered me by you in these matters will be reciprocated as far as it is in my power to do so. I fully concur in the view expressed by Colonel Irvine that this horse-stealing should be stopped."

Very respectfully, &c.,

GUIDO ILGES,
Lieutenant-Colonel Eighteenth Infantry, Commanding.

Major Shurtleff to Colonel Ilges.

NORTHWEST MOUNTED POLICE,
Fort Walsh, April 6, 1883.

SIR: Your scout, Nicholson, has just arrived with your communication concerning stolen horses from the Gros Ventre Indians by a party of Crees, under the leadership of "Break-through-the-ice."

This party has not been in this vicinity during the past winter, and has not come this way with the horses. It is probable that they have crossed the line towards the east end of the mountains. I will at once send a party in that direction to intercept them and recover the horses, if possible. We expect to be able in a few weeks to send all these Crees to their reservation on the North Saskatchewan, which will prevent their raids in future.

I wrote you yesterday by mail concerning the recovery of Kipp's horses.

Very respectfully, &c.,

A. SHURTLEFF,
Superintendent, Commanding Post.

Mr. Lincoln to Colonel Ilges.

UNITED STATES INDIAN SERVICE,
Fort Belknap Agency, April 3, 1883.

SIR: I am grieved to have to report to you that the Cree Indians, fourteen in number, have raided the camp of the Gros Ventres, now on People's Creek, on the night of April 1, and stole sixty-seven head of their horses. I am informed by one of the pursuing party that they discovered the tracks of twelve head of shod horses, which were evidently stolen from the white men on the Missouri River. Those Crees' trail led toward the camp of Crees under the leadership of Break-through-the-ice, which is about 35 miles northeast of here and some few miles south of the forty-ninth parallel, as I have already informed you through Scouts Nicholson and Valentine. Will you kindly take steps to notify the Canadian authorities in order to effect a recovery of the animals? A party of my Indians are following up the trail.

Respectfully, &c.,

H. L. LINCOLN,
United States Indian Agent.

Mr. Young to General Ruger.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Montana, April 4, 1883.

SIR: I have the honor to acknowledge the receipt of your telegram dated 26th ultimo, asking statement of facts regarding the recent raids on this reservation, &c. On the night of the 15th March 111 ponies were stolen from the vicinity of this agency. Pursuit was made as promptly as possible. It took time to get horses enough. As fixed ammunition is forbidden to the Indians, there was delay in getting that. The trail was followed to near the Canada line towards Cypress Mountain. Ten of the ponies that had given out on the way were recovered, but died from the fatigue; but the thieves were not overtaken. The leader of the pursuing party was "Piegan-man"; he had five assistants.

From the articles picked up on the trail, moccasins, gun-covers, &c., the raiders are believed to have been Crees.

The ponies lost by this raid numbered 101. About the same date a raid was made near Willow Round, and pursuit was given more promptly. The raiders had taken 61 head of horses and had wantonly killed 10 work-steers belonging to freighters. The pursuing party, White Wolf, Little Dog, Bird's Tail, and Jack Miller, half-breed, overtook two of the raiders, who showed fight and wounded Little Dog, Bird's Tail and Jack Miller, the two first severely, but were finally captured and scalped. This ended the pursuit, the main party crossing into Canada with the stolen property. No doubt exists as to the party being Crees.

On the night of the 21st of March a raid was made on Birch Creek, the southern boundary of the reservation, and forty-seven ponies were stolen; in this case pursuit was prompt, and seventeen of the ponies were recovered; the pursuers, weakened by those left in charge of the recovered ponies, continued the chase, some on foot, taking the trail to the Cardotte Pass, through which the thieves crossed the mountains, escaping with thirty head of ponies. The raiders are believed to be Pend d'Oreille Indians from the Flathead agency.

The pursuers returned, got fresh ponies and letters of protection, and started again to follow all the way to the Flathead agency, if necessary. Their names are, The Horn, Sleeping Wolf, and White Bird's Tail. No report from them at this date.

I have written to Colonel Irvine, commanding Fort Walsh, giving the particulars of the two first raids, and requesting his efforts for the recovery of the stolen property, and also to Major Ronan, of the Flathead agency, with full particulars of the Pend d'Oreille raid, and requesting his exertions for the recovery of the stolen ponies.

The two severely wounded Indians are out of danger and on the fair way of recovery.

While talking with some of the chiefs to-day about these raids, they said, "We do go to war and steal ponies; but to wantonly kill, without object, work-steers, no, never."

Very respectfully, &c.,

JOHN YOUNG,
United States Indian Agent.

Mr. Rowe to General Ruger.

FORT BENTON, MONT.,
March 23, 1883.

E. X. Budlor having left town, I took the trouble to find out the facts of the case, and have got the evidence of Mr. Tingley and Mr. John Harris, both stockmen that are familiar with case. On the 18th of March, 1883, in the morning, Mr. Tingley's herder on the Marias, about 5 miles below Joe Kipp's ranch, rounded up his work oxen, and in the afternoon of the same day he discovered that six of them had been shot and butchered. He then started to Kipp's ranch for help; got Pickett, the herder, and some Piegan Indians, went to where the cattle were butchered, and found that more had been killed.

The Indians returned to Kipp's ranch, and Pickett and two others went to look for their mules and horses; they found the mules and some of the horses, and discovered the Indians with the balance of the horses, about 40 head in number. Some shots were exchanged, and in the excitement the Indians dropped the meat they had taken from the oxen they had butchered. Later in the night a party of Piegans, about 20 in number, started in pursuit, and about daylight on the morning of the 19th they overtook the Crees and killed two of them; also two Piegans were wounded in the fight, and a half-breed had his horse shot from under him. Another mail arrived to-day, having left Kipp's yesterday and traveled all night, Indians having been seen around Pend d'Oreille and at the Knees during the day.

The driver reports that the horses are stolen at the Willow Round and at the Blackfeet agency; also some of J. G. Baker & Co.'s work oxen were killed.

The Indians, when last seen, were making for Fort Walsh. Joseph Pickett and two other men have gone to Fort Walsh to try and recover the horses, and to find out what Crees were engaged in the raid.

WILLIAM ROWE,
Deputy United States Marshal.

Colonel Irvine to commanding officer, Fort Shaw.

NORTHWEST MOUNTED POLICE,
Headquarters, Fort Walsh, November 13, 1882.

SIR: I have the honor to inform you that a very serious raid has been made upon settlers' horses in these territories; a large number of horses were stolen, it is said, by Indians from the United States. The impression here is that the stolen horses have been taken to the Piegan Agency, Montana. I have written to Mr. W. G. Conrad, of J. G. Baker & Co., Fort Benton, on the subject, requesting him to secure the services of the sheriff of Benton in view of recovering the stolen horses. I shall be most grateful for any assistance you can render Mr. Conrad or the sheriff in the discharge of his duties. Mr. Conrad has a description of the horses.

I have, &c.,

A. G. IRVINE,
Commissioner, Northwest Mounted Police.

Mr. Young to General Ruger.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Montana, November 28, 1882.

SIR: I have the honor to acknowledge the receipt of your letter, dated November 23, giving me a copy of Commissioner Irvine's letter to you respecting a large number of horses stolen from near Fort Walsh, and supposed to have been taken to this agency. Stealing horses from each other by the tribes on either side of the line is an ancient practice, and my efforts to repress the usage have always been exerted, and the owner of stolen property has uniformly been aided in getting it back. In April last a party of Crees and half-breeds from the Canada side made a raid on the settlement at Birch Creek, on this reservation, and stole 70 head of ponies, with which they succeeded in reaching Fort Walsh, although closely pursued to the line. I promptly informed the police authorities at Fort Walsh of this outrage, and requested their exertions for the return of the ponies.

In reply, the arrival of the above number of ponies was acknowledged at the time stated, accompanied by a promise of endeavor to recover and return them. Until this date none of them have been returned.

Small raiding parties from this side during the summer have made reprisals, and about 20 ponies have in this way been recovered. Of course I only know of these raids when they are accomplished. Along with this number 12 ponies were brought

that had never belonged to my Indians. These were at once taken possession of by my police, and 6 of them returned to Joseph Brown, the owner, and 6 are still here awaiting claimants.

I have information quite recently of a band of 36 ponies, in charge of northern Indians from the line near Fort Belknap, passing the Sweet Grass Hills and then turning northward again; there is a possibility of these being part of the "large number lost," and supposed to have been taken to this agency.

I called the leading men of these tribes together and made them aware of your communication, and their reply was uniform and emphatic, "that no large band of stolen horses had recently been brought on this reservation."

In any action toward the suppression of these thefts or the punishment of the offenders I shall deem it my duty to heartily concur.

During the summer a party of three half-breeds from north of the line came here properly accredited, seeking stolen horses. They succeeded by my help in getting 6, and in going back homeward through the Teton Valley stole 17 head from the ranchmen there, and I hear that those ranchmen have been north since, stealing in return.

Very respectfully, &c.,

JOHN YOUNG,
United States Indian Agent.

Colonel Ilges to adjutant-general, District of Montana.

FORT ASSINNIBOINE, MONT., *April* 19, 1883.

Just received the following letter from Major Shurtleff, commanding officer Fort Walsh, per courier:

"I have to inform you that I have just learned that a war party of Crees left this vicinity three or four days ago for the purpose of stealing horses. I am told that they intend to go to the Piegan agency. In their raids on the agency and the Marias they generally go and return by way of the Sweet Grass Hills. You may be able to intercept them on their return.

"Dated Fort Walsh, April 18, 1883."

I think this the same party Captain Norwood is after, and hope that he will succeed in striking them.

ILGES,
Lieutenant-Colonel, Commanding.

NOTE.—Information on which action was taken by the commanding officer at Fort Assinniboine was received by him from Fort Benton the day before reception of that from Major Shurtleff. His telegram is not specially referred to in my communication, but, being pertinent to the general subject, is forwarded.

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

Colonel Ruger to adjutant-general, Department of Dakota.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, April 25, 1883.

SIR: I have the honor, in response to indorsement of March 19 last, from department headquarters, to report concerning the presence of Canadian Indians and half-breeds south of the boundary line, particularly in the Milk River region, during the past winter and autumn, as follows:

From the first part of July last, when a force from Fort Assinniboine established a camp on the big bend of Milk River, until the 4th day of October, when the force was withdrawn, there were no camps, properly so designated, of Canadian Indians or half-breeds south of the boundary in that region. During that time several hunting parties of such Indians and half-breeds were encountered on the reservation by detachments from the Assinniboine force, and sent north of the boundary. The largest of such parties consisted of about forty Crees, on the 8th of July last, by a detachment from the command of Captain Kellogg, Eighteenth Infantry, of which report was made at the time.

Early in December last a hunting party of Crees and other Canadian Indians of about fifty lodges were on Milk River near the mouth of Frenchman's Creek. This information was had from a chief of the Belknap agency, Assinniboine, and also from an Assinniboine Indian, who arrived at Belknap December 27 from Wolf Point.

This camp left in the latter part of December or early in January last, and returned, it is presumed, across the line, as it was not found by scouting parties from Poplar River and Assinniboine or scout sent from Belknap, which traversed that par-

ticular vicinity and the country of the Milk River generally in January and February.

On February 3 last Lieutenant Hardin, Eighteenth Infantry, in command of a detachment from Fort Assiniboine, found two camps of Canadian Indians—Crees—one of four lodges and the other of forty lodges, under Chief "Rosebud" or "The Hip" and "Frozen Nose," south of the boundary on Woody Island Creek, near the Milk River, whom he compelled to move north. These Indians stated to Lieutenant Hardin they had been all winter south of the boundary. Reports were made to United States Indian Agent Lincoln that other parties of Canadian Indians were on the Lower Beaver Creek in December last, but as to this fact no information sufficiently definite and reliable to enable me to report positively has been obtained. If such parties were there and not connected with that at the mouth of Frenchman's Creek, their stay must have been short.

But few half-breeds were, I am confident, on the reservation during the winter, and these small roving hunting parties. Some few, it is reported, crossed the Missouri to the settlement in the Judith Basin.

Very respectfully, &c.,

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

Colonel Ruger to adjutant-general, Department of Dakota.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, May 28, 1883.

SIR: I have the honor to say that the accompanying report is as definite as I can make from reports and statements obtained.

In the first report (of April 25, 1883) I did not state numbers, and cannot now, except as inferred from the number of lodges in each case. There is included in the report with this, and not embraced in the former report, a Cree camp of about forty lodges under Chief "Waterfall." I did not then think the evidence as to this camp sufficient for a positive statement, but now include it as reported by Agent Lincoln. I had before no information of visits by a band of Crees to the Belknap agency.

This information was given by Agent Lincoln in communication of the 21st instant, in part reply to inquiry by me for as full and definite statement as practicable relative to presence south of the boundary of Canadian Indians and half-breeds for a year past. I have taken for granted that the trail, as to which inquiries and report by me were desired in the indorsement of March 19 last, is that referred to in the principal paper, and I have confined my report to the past autumn and winter.

Very respectfully, &c.,

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

Colonel Ruger to adjutant-general, Department of Dakota.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, May 28, 1883.

SIR: I have the honor, in response to telegram of the 7th instant from the department headquarters, and referring to indorsement of March 19 last and my reply of April 25, to make further report and a statement of the number of Canadian Indians and half-breeds who may have been south of the boundary and on the Indian reservation, as follows:

There were in December last, near the mouth of Frenchman's Creek, a hunting party of about fifty lodges of Crees and half-breeds, numbering, as estimated, three hundred and fifty persons.

During the months of November, December, and January last, and until February 3 following, there were forty-four lodges of Crees camped on Woody Island, near its junction with the Milk River, under chiefs "Rosebud" or "The Hip," and "Frozen Nose," numbering about 308 persons.

These Indians were captured by a detachment from Fort Assiniboine, under Lieut. Charles B. Hardin, Eighteenth Infantry, on February 3 last, and sent north across the boundary.

During the month of December, and until about the 10th instant, there were camped near the mouth of the Muscleshell River a party of Crees, numbering twelve. There were also, during part of last autumn and during December last, camped, as reported

by Indian Agent Lincoln to the commanding officer at Fort Assinniboine, about fifty lodges of Crees, under Chief "Waterfall" or "The Man-who-breaks-through-the-ice," at a place in a northeasterly direction from Fort Belknap and a few miles south of the boundary, numbering about 280 persons.

A band of about twenty lodges of Crees were at the Belknap agency on at least two different occasions during the winter. This band, I estimate, numbered about 120 persons.

During the autumn and winter roving hunting parties of Canadian Indians and half-breeds, not included above, were from time to time south of the boundary in the Milk River region, but as to these I have been unable to obtain information sufficiently definite for statement of their numbers.

Very respectfully, &c.,

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

A.—*Statement of the number of half-breeds and Canadian Indians who have been during the last past autumn and winter in the Milk River country and on adjoining reservations for Indians in the Territory of Montana. Compiled at headquarters Department of Dakota, from the best information that can be obtained.*

Date.	Place where found or heard from.	Description and number of people.	Number.	Remarks.
December, 1882	Near mouth of Frenchman's Creek.	Crees and half-breeds.	350	Fifty lodges estimated at number given.
November and December, 1882; January and February, 1883.	Woody Island Creek, near its junction with Milk River, Montana Territory.	Crees under Chief "Rosebud" or "The Hip" and "Frozen Nose."	308	Forty-four lodges, estimated at number given, captured by a detachment under Lieutenant Hardin, Eighteenth Infantry, February 3, and sent across the Canadian boundary line.
December, 1882; January, February, March, April and May, 1883.	Near mouth of Muscleshell River, Montana Territory.	Crees	12	
Autumn of 1882	Northeast from Fort Belknap, a few miles south of the Canadian boundary line.	Crees under Chief "Waterfall" or "The Man-who breaks-through the-ice."	280	Forty lodges estimated at number given.
Winter of 1882 and 1883	At Belknap agency, Montana Territory.	Crees	120	Twenty lodges estimated at number given.
Autumn of 1882 and winter of 1882 and 1883.	Milk River region.	Other Canadian Indians and half-breeds in roving bands and hunting parties.	....	No definite data as regards numbers obtainable.
From November 26, 1882, to December 9, 1882.	Eastern portion of Milk River country.	Half-breeds, first party seen.	7	
		Half-breeds, second party seen.	20	This party, when about to be overtaken, abandoned 58 carts, 200 robe hides, and about 1,500 pounds of meat, and fled with their ponies.
		Half-breeds and a few Crees, third party seen.	37	
		Half-breeds, fourth party seen.	5	
December, 1882, dates later than above.	Same	Several parties of half-breeds, in all.	86	
February 26, 1883	Near head of Beaver Creek, Montana Territory.	Crees	47	
Winter of 1882-'83	South of Missouri River, near Fort Peck.	Half-breeds	200	Fifty families, estimated at two hundred persons, camped for hunting purposes on the north of the Missouri River.
		Total	1,422	

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., June 8, 1883.

No. 306.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, July 30, 1883.

SIR: Acknowledging the receipt of your note of the 25th instant concerning the alleged stealing of horses from Canadian territory by South Piegan Indians from the United States, I have the honor to inform you that the proper authorities of this Government have been requested to investigate the matter, with a view to having such action taken as may be found to be proper.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 307.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *July* 30, 1883. (Received July 31.)

SIR: With reference to previous correspondence I have the honor to inclose to you herewith a copy of an approved report of a committee of the privy council for Canada, having reference to the stealing by Canadian Cree Indians from an American citizen on the Teton River of a number of horses, which formed the subject of a minute of council, copy of which was inclosed in my note of the 21st ultimo.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 24th day of July, 1883.

The committee of the privy council advise your excellency to be pleased to transmit to Her Majesty's minister at Washington a copy of a letter herewith attached, from Lieut.-Col. A. G. Irvine, the commissioner of the northwest mounted police, reporting that he and Lieut.-Col. J. F. Macleod, stipendiary magistrate, had tried and sentenced to two years' imprisonment eleven Indians for horse-stealing south of the boundary line, in conjunction with an order of your excellency in council, dated 14th June, 1883, upon a dispatch (No. 52) dated 10th May, 1883, from the British minister at Washington, having reference to the stealing by Canadian Cree Indians, from an American citizen on the Teton River, in the Territory of Montana, of a number of horses.

JOHN J. McGEE,
Clerk Privy Council for Canada.

Colonel Irvine to Mr. White.

NORTHWEST MOUNTED POLICE HEADQUARTERS,
Regina, June 1, 1883.

SIR: Referring to my letter of the 25th May last (report No. 360), with which was inclosed a communication from Superintendent Shurtleff, relating to a raid made by our Indians on the herd of J. G. Baker & Co., Montana, United States, you will observe from that officer's report that Sergeant Patterson arrested ten Cree Indians who belonged to the war party which ran off J. G. Baker & Co.'s horses.

No. 301.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 29, 1883. (Received June 30.)

SIR: I have the honor to transmit herewith copy of a report of a committee of the privy council of Canada on the subject of a projected cable connecting the Canadian Government telegraph system near Victoria, Vancouver's Island, and Point Angelos, Washington Territory, and to submit to you the request therein contained for permission to land the proposed cable in Washington Territory.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 13th of June, 1883.

On a report dated 8th June, 1883, from the minister of public works, submitting that it is proposed to lay a cable for the purpose of connecting the Canadian Government telegraph system near Victoria, Vancouver's Island, and Point Angelos, Washington Territory, there to connect with the Puget Sound Telegraph Company's line to Seattle and with the United States Government line to Cape Flattery, the minister represents that an additional cable route would then be provided between Vancouver's Island and the mainland of British Columbia, and also with the United States and Eastern Canada.

The minister recommends that your excellency be moved to communicate with the honorable Mr. Sackville West, the British minister at Washington, and request him to seek the permission of the United States Government to land the proposed cable in Washington Territory.

The committee concur in the recommendation of the minister of public works, and submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 302.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 29, 1883. (Received June 30.)

SIR: I have the honor to forward herewith for your perusal copies of two reports of a committee of the privy council of Canada relative to Indian raids, which have been communicated to me by the Marquis of Lorne.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure 1.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 14th of June, 1883.

The committee of the privy council have had under consideration the following dispatches from Her Majesty's minister at Washington: Dispatch No. 38, of the 19th of April, 1883; No. 41, of the 30th of April; No. 42, of the 2d May, and No. 43, of the 4th

United States and Mexico, providing for the reciprocal crossing of the international boundary line by the troops of the respective Governments in pursuit of savage Indians, I have the honor to report that I consider it would be very unwise for our Government to assent to such an arrangement.

I know of no circumstances which should warrant such exceptional measure being now taken.

The incursions of war parties of British Indians into the United States, as well as of American Indians into British territory, are getting less frequent than heretofore, and I fancy after this winter will have entirely ceased.

Our Crees and Assinniboines, who, up to last year, have been hunting the buffalo south of the line, will be compelled to go north and settle on their reserve. With these removed from the south there will be no Indians on the boundary line who will be likely to cause trouble in the United States territory.

During last winter a large number of our Indians wintered at Fort Walsh, and I am informed a couple of war parties started out with the avowed intention of recovering some horses stolen from them by the South Piegans, and, I believe, were successful. With this exception I think our Indians have remained on our own territory.

Fort Walsh, a post which our worthless Indians have for some time made a rendezvous, is about to be abandoned. The police will, however, now that the railway runs to Maple Creek, within twenty-eight miles of Fort Walsh, be available at short notice for any work required on the frontier. A few men will be stationed at Maple Creek. Any further assistance required can be drawn at short notice from Regina, Medicine Hat, and in a month or two from Calgarry. There is also a detachment of police at Wood Mountain.

In a very short time I expect to see the south part of our territory pretty thickly settled. Wood Mountain has already a large settlement of half-breeds who intend to make that district their home. It would be very exasperating to them, who already think, rightly or wrongly, they have been harshly treated by the United States Government, to see American troops crossing our frontier in pursuit of Indians, their relations. I do not think they could be controlled if such were allowed.

The railway, which has reached Maple Creek, has opened the Fort Walsh district to white settlers, who are already crossing in large numbers, and as we have no desert or country that is likely to be unpopulated for a length of time along the boundary line between Fort Walsh and Wood Mountain, every acre almost being available for settlement, the arrangement as agreed upon between the United States Government and the Mexican Government would be of no effect in so short a time that I think we should not run the risk of complications worse than that of Indian raids. I see no objection to the course proposed to be taken by the United States Government towards our Indians who may be found south of the boundary line for the future, viz: to take from them their arms, horses, carts, robes and tents, and then put them across the boundary line.

They have now no excuse for crossing the frontier in large parties; the buffalo are too far south and too much scattered to be hunted to advantage by them for food; they have been warned by our agents that should they cross the line they must take the consequences.

Section 2134 of the Revised Statutes of the United States, to which reference is made in the dispatch of Mr. Sackville West to the Governor-General, provides for the punishment of foreigners entering the Indian country of the United States without a passport, and I presume that the reference to that section is to be accepted as a refusal on the part of the United States to entertain the propositions contained in the order in council of the 24th April, 1882, to the effect that a system of permits might be adopted to enable Indians of either country to cross the boundary for the purpose of hunting, and visiting relations.

By the same order in council it was suggested that some arrangement should be made between Her Majesty's Government and that of the United States, by which Indians on either side should, on complaint under oath charging them with felonies or serious outrages against property, be arrested and surrendered for trial in the country where the offenses had been committed, notwithstanding that such offenses might not come under the terms of the existing extradition treaties.

The order in council also called attention to the statute of Canada 32, 33 Vic., cap. 21, sec. 112, which provides for the punishment of persons bringing into Canada property stolen in any other country.

As no reference to these suggestions is made in the papers transmitted by Mr. West, it might possibly be deemed well to again call the attention of the United States Government thereto.

Respectfully submitted.

E. DEWDNEY,
Indian Commissioner.

No. 309.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *August* 8, 1883. (Received August 10.)

SIR: Referring to your note of the 16th June, 1883, I have the honor to inclose to you herewith copy of an approved report of a committee of the privy council of Canada, which I have received from Lord Lorne, embodying a report of the superintendent-general of Indian affairs and conveying an expression of the gratification afforded to the Government of Canada by the good understanding which exists between the officer of the Canadian northwest mounted police force at Fort Walsh and the officers commanding the United States troops on the frontier, resulting in their co-operation for the suppression of Indian raids from either side of the line.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 4th of August, 1883.

The committee of the privy council have had before them a dispatch, dated 17th June, 1883, from the British minister at Washington, forwarding correspondence concerning the raids of Canadian Indians into the northwestern Territories of the United States.

The superintendent-general of Indian affairs, to whom the dispatch and inclosures were referred, recommends that the Government of the United States be informed through Her Majesty's minister at Washington of the gratification it affords your excellency and your excellency's Government to learn of the good understanding that exists between the Canadian officer of the northwest mounted police stationed at Fort Walsh, and the officers commanding the United States troops on the frontier, resulting in their co-operation for the suppression of Indian raids from either side of the line; and that it is hoped that their efforts in this direction will be entirely successful.

The committee concur in the foregoing recommendation, and they submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 310.

Lord Granville to Mr. West.

FOREIGN OFFICE,
August 17, 1883.

SIR: On the 29th May last Mr. Lowell communicated to me a copy of a further dispatch, dated the 5th of that month, which he had received from Mr. Frelinghuysen, respecting the projected Panama Canal, of which a copy was forwarded to you in my dispatch No. 128, of the 16th June last.

By my dispatches of the 7th and 14th January and 30th December, 1882, which were written in answer to several letters addressed by the United States Secretaries of State to the American ministers at this court, and with the contents of which I had been made officially ac.

quainted, you were informed of the views which Her Majesty's Government entertained on that important subject.

Mr. Frelinghuysen, however, in his letter to Mr. Lowell of the 5th May last, after commenting upon the contents of my last dispatch to you, of the 30th December last, says that the President still considers that the arguments which have been presented to Her Majesty's Government by the United States upon this subject remain unshaken, and that he adheres to the views set forth in the instructions which were given to Mr. Lowell on the 8th May, 1882, a copy of which was communicated to me on the 31st of that month.

This further dispatch from Mr. Frelinghuysen to Mr. Lowell has been carefully considered by Her Majesty's Government.

They have not failed to remark that Mr. Frelinghuysen still contends that the Clayton-Bulwer treaty is voidable on two grounds: first, because the first seven articles of that treaty related to a *particular* canal by the Nicaraguan route only; and, secondly, because Great Britain has at the present day a colony, instead of a settlement, at Belize; but, with regard to the first of these contentions, I explained to you in my dispatch of the 30th December last why Her Majesty's Government were unable to accept that view, bearing in mind the eighth article of the convention. I pointed out to you that it was expressly recorded in that article that the high contracting parties, in entering into that convention, had *not only* the desire to accomplish a *particular* object, but also to establish a *general principle*, and that, with that view, they agreed to extend their protection by treaty stipulations to "any other" practicable communications, whether by canal or railway, "across the isthmus" which connected North and South America, and "especially" to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which it was then proposed should be established by the way of Tehuantepec or Panama.

No time was fixed by the convention within which such interoceanic communications were to be made; and Her Majesty's Government consider that it would be putting a false construction on the convention to say that the stipulations contained in the eighth article had sole reference to the canal schemes which were actually under consideration at the time of the conclusion of that convention, for had such been the intention of the contracting parties they clearly would not have made use of the expressions "especially" or "any other," when speaking of the canals which it was then contemplated might be made across the Isthmus.

With regard to Mr. Frelinghuysen's further contention, that the Clayton-Bulwer treaty has been abrogated by the fact that British Honduras is now a "colony," instead of remaining a "settlement," as it was called at the time of the conclusion of that treaty, I need only remark, in addition to what has already been stated to you in my previous dispatches, that when that treaty was concluded, in 1850, it was signed on the distinct understanding expessed in writing, that it was not to apply to "Her Majesty's settlement at Honduras," and that it was therefore not deemed necessary, at that time, either to mark out the exact limits of that settlement or to define its "dependencies."

Inasmuch, then, as British Honduras was expressly excluded altogether from the arrangement which was entered into between the two Governments in 1850 for the settlement of the questions then in dispute, and all of which questions President Buchanan informed the United States Congress in December, 1860, had been amicably and honorably adjusted, Her Majesty's Government cannot see with what justice it can

now be said that the change of title of that possession of Her Majesty from that of a "settlement" to a "colony" can be appealed to as a violation of the arrangement of 1850.

You were informed in my dispatch of the 30th December last that I did not think it necessary to burden the correspondence on the Panama Canal question with a discussion on the so-called "Monroe doctrine," because Mr. Frelinghuysen had admitted, in his dispatch of the 8th May, 1882, that Her Majesty's Government were not called upon either to admit or deny the views which he explained in that dispatch as being those which were entertained by his Government on that subject; but as Mr. Frelinghuysen, in his dispatch of the 5th May last, still maintains that the views of the United States on that doctrine are sufficiently manifest, I may remind you that the views which were entertained by President Monroe have not always been accepted by his successors; nor have the same views been always entertained either by the American Congress or by the Secretaries of State of the United States; but the mere fact that a treaty was concluded between this country and the United States in 1850 (twenty-seven years after the so-called "Monroe doctrine" was enunciated), for the express purpose of establishing communication by ship-canal across the isthmus of Central America, and of *jointly* protecting any such communication which might be made, is a clear proof that neither the American administration of that day nor the United States Congress which sanctioned that treaty considered that they were precluded by the utterances of President Monroe in 1823 from entering into such a treaty with one or more of the European powers. How, then, can it be said, at the present day, that the Clayton-Bulwer treaty is opposed to the "Monroe doctrine"?

Mr. Buchanan admitted, in January, 1854, that "the main feature of the policy which dictated the Clayton-Bulwer convention was to prevent either Great Britain or the United States from being placed in a position to exercise *exclusive control*, in peace or war, over *any* of the grand thoroughfares between the two oceans"; and that being the policy which Her Majesty's Government are still anxious to adhere to, it has been with much regret that they have seen a disposition on the part of the present Government of the United States to depart from that policy by objecting to any concerted action of the European powers for the purpose of guaranteeing the neutrality of the projected Panama Canal or determining the conditions of its use.

The President of the United States stated, in a message to Congress in March, 1880, that the present policy of the United States with respect to an interoceanic canal is the construction of "a canal under American control"; but it was pointed out to you, in my dispatch of January 7, 1882, that, while recognizing to the fullest degree the extent to which the United States must feel interested with regard to any canal which may be constructed across the Isthmus of Panama, Her Majesty's Government would be wanting in regard to their duty if they failed to point out that Great Britain had large colonial possessions, no less than great commercial interests, which rendered any means of unobstructed and rapid access from the Atlantic to the North and South Pacific Oceans a matter for her also of the greatest importance.

Her Majesty's Government see no reason whatever to depart from or in any way to alter the views which have been conveyed to you in my dispatches above referred to, and they have, therefore, arrived at the conclusion that a prolongation of the discussion seems unlikely to lead to any practical result.

I have made the above observations on Mr. Frelinghuysen's note for your information and guidance; but you are at liberty to read this dispatch to Mr. Frelinghuysen, and to give him a copy of it should he desire it.

I am, &c.,

GRANVILLE.

No. 311.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, September 25, 1883.

SIR: With reference to the reply of this Department of the 30th of July last to your note of the 25th of that month, in relation to the alleged stealing of horses from Canadian territory by South Piegan Indians, I now have the honor to inclose herewith for your information a copy of a report in relation to the matter in question which I have received from the Acting Secretary of the Interior, from which it appears that the transaction complained of in your note took place at a long distance from the agency and from the military camp, and that the expedition, as the authorities afterwards learned, took place by way of retaliation, at a time when constant raids were being made by the Crees from the Canadian side, by which the South Piegan Indians lost about 200 head of horses.

While I have deemed it proper to communicate to you the above information as to the alleged retaliatory actions of the South Piegan Indians, I desire it to be distinctly understood that this Government does not justify the course taken by those Indians.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Extract.]

Mr. Price to Mr. Teller.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 1, 1883.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 1st ultimo, of a communication, dated July 30 last, from the Acting Secretary of State, inclosing copy of a communication to that Department from the British minister in relation to the alleged stealing of horses from Canadian territory by South Piegan Indians from the United States.

In office letter of the 4th ultimo, Agent John Young, of the Blackfeet agency, Montana, was instructed to furnish any information he might possess or might be able to obtain in reference to this matter, and, under date of the 22d ultimo, the agent makes his report therein (copy herewith), from which it appears that "the transactions described took place at from 50 to 80 miles distant from this agency, and from the commander of the military camp near there I had at the time a report in all main points agreeing with that now received from the Canadian authorities."

The agent also says that "at and before the time when this stealing took place constant raids were being made by the Crees from the Canadian side, who were daring enough to steal from herds close to this agency. When pursuit was made, fights

took place and lives were lost; but before proper protection was procured by the military camp, over 200 ponies had been stolen and taken into Canada. None of them to this date have been returned."

The agent concludes that "the stealing referred to was in retaliation for these outrages, carefully concealed from the agent's knowledge, but in accordance with the Indian's method of obtaining redress for his wrongs."

* * * * * * *

The letter from the State Department, with its inclosure, is herewith returned.

I also inclose a copy of this report.

Very respectfully, &c.,

H. PRICE,
Commissioner.

Mr. Young to Mr. Price.

UNITED STATES INDIAN SERVICE,
Blackfeet Agency, Mont., August 23, 1883.

SIR: I have the honor to acknowledge the receipt of official letter under date of August 4 last, and marked 13983–83, inclosing a letter to the honorable Secretary of State from the British minister "in relation to the alleged stealing of horses from Canadian territory by South Piegan Indians."

The transaction described took place at from 50 to 80 miles distant from this agency, and from the commander of the military camp near there I heard at the time a report in all main points agreeing with that now received from the Canadian authorities.

At and before the time when the stealing took place, constant raids were being made by the Crees from the Canadian side, who were daring enough to steal from herds close to this agency. When pursuits were made fights took place, and lives were lost; but before proper protection was procured by the military camps over 200 ponies had been stolen and taken into Canada. None of them to this date have been returned.

The stealing referred to was in retaliation for these outrages, carefully concealed from the agent's knowledge, but in accordance with the Indian's method of obtaining redress for his wrongs.

Very respectfully, &c.,

JNO. YOUNG,
United States Indian Agent.

P. S.—The British minister's letter returned herewith.

J. Y.

No. 312.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, September 28, 1883.

SIR: With reference to your note of the 25th of July last, in relation to the alleged stealing of horses from Canadian territory by South Piegan Indians, and the subsequent correspondence on the subject, I now have the honor to transmit herewith for your information a copy of a report to the Interior Department by the Commissioner of Indian Affairs, from which it appears that twenty of the horses in question have been recovered and delivered to the military authorities, to be turned over to the proper Canadian officers.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Price to Mr. Teller.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 15, 1883.

SIR: Referring to office report of the 1st instant relative to a communication to the State Department from the British minister concerning the alleged stealing of horses from the Canadian territory by American Indians, I have the honor to inclose herewith, for such action as the Department may deem appropriate, an extract from the report of Agent W. L. Lincoln, of the Fort Belknap agency, Montana, from which it appears that a party of North Assinniboines (British Indians), with fifty head of horses, stolen from north of the line, came to his agency a few weeks ago; that he recovered twenty of these horses and turned them over to the military authority, and presumes the military turned them over to the British authorities.

The agent also says that he furnished the names of the parties who did the stealing, in order that the British authorities might have all the data to punish the marauders if they so desire.

Very respectfully, &c.,

H. PRICE,
Commissioner.

UNITED STATES INDIAN SERVICE,
Fort Belknap Agency, September 4, 1883.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

* * * * * * *

A party of North Assinniboines (British Indians) came in about two weeks ago, with fifty head of horses, stolen from north of the line. I did not learn of it until 10 o'clock at night. I then ordered my police to arrest the parties and take the horses. During the night the thieves got wind of my movements, and struck out across the line with thirty of the horses. I recovered twenty of them; the balance got away. One of the parties staid in the camp near by; I had a company of cavalry here, who arrested him and took him to Assinniboine. I also turned over the twenty head of horses to the military. What their action has been I do not know, but presume they turned them over to the British authorities. I gave names of the parties who did the stealing, and if the British authorities desire to punish their marauders they have all the data at hand.

* * * * * * *

Very respectfully, &c.,

W. L. LINCOLN,
United States Indian Agent.

No. 313.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, November 30, 1883.

SIR: With reference to previous correspondence concerning incursions of Canadian Indians into this country, I now have the honor to transmit herewith, for the information of the Canadian Government, a copy of a letter which I have received from my colleague the Secretary of War, stating that the military authorities in Dakota have apprehended a number of Canadian half-breeds, men, women and children, some of whom are the same persons who were sent over the line by General Miles in 1879.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.—Telegram.]

FORT BUFORD, DAK., *November* 11, 1883.

To ADJUTANT-GENERAL, *Department Dakota, Fort Snelling, Minn.:*

Lieutenant Bell brought in eleven men, twelve women, thirty-eight children, forty-six ponies, twenty-two carts, three spring wagons, tents, bedding, &c.

Most of them are Canadian half-breeds; some of them are the same that were sent over the line by General Miles in '79. Lieutenant Bell says it is a den of thieves. The meat of the cattle that were stolen was found cachéd in camp. Humanity prevents me from carrying out letter instructions, as the women and children will freeze, after putting them across the line, without transportation.

Instructions requested. Their camp 30 miles from river, on White Earth.

WHISTLER,
Commanding.

HEADQUARTERS DEPARTMENT DAKOTA,
Fort Snelling, Minn., November 12, 1883.

COMMANDING OFFICER, *Fort Buford, Dak.:*

Telegram of yesterday received. Send the Canadian Indians and half-breeds across the line, and let them take such of their property as may be necessary to keep them from suffering.

By command General Terry.

BRECK,
Assistant Adjutant-General.

GREECE.

No. 314.

Mr. Frelinghuysen to Mr. Schuyler.

No. 15.] DEPARTMENT OF STATE,
Washington, January 5, 1883.

SIR: I herewith inclose a copy of a dispatch,* No. 147, of the 2d ultimo, received from Mr. Heap, chargé at Constantinople, in which he informs the Department of the release from imprisonment by the Sultan, at the request of Mr. Wallace, of five Greeks.

You may inform the Greek Government of the facts, as evincing the friendship of the United States for that country.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 315.

Mr. Davis to Mr. Schuyler.

No. 17.] DEPARTMENT OF STATE,
Washington, January 22, 1883.

SIR: Referring to a previous instruction, No. 15, of the 5th instant, I herewith inclose a copy of a dispatch (No. 158, of the 25th ultimo),† from Mr. Wallace, our minister at Constantinople, in which he details

* See Mr. Heap to Mr. Frelinghuysen, No. 147, December 2, 1882, *post.*
† See Mr. Wallace to Mr. Frelinghuysen, No. 158, December 25, 1882, *post.*

the manner in which he was enabled to gain the release of eleven Greeks who were imprisoned for political offenses at Constantinople. Mr. Wallace also incloses a letter from Athens thanking him for his successful efforts in behalf of the prisoners.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 316.

Mr. Schuyler to Mr. Frelinghuysen.

No. 8.] LEGATION OF THE UNITED STATES,
Athens, February 10, 1883. (Received March 5.)

SIR: I received a few days ago a circular of the minister of the interior, dated January 23, 1883, addressed to the provincial authorities of the Kingdom and to the bureau of health of Piræus, with reference to the importation of cattle from various eastern countries. The second paragraph, however, of the circular renewed the prohibition against the importation of hams, sausages, and lard coming from America, either directly or indirectly. I inclose a copy and translation of this circular.

On his first reception day I inquired of Mr. Tricoupis whether the Government had any additional reasons for prohibiting the importation of hams, &c., from the United States, adding that I thought that the results of the investigations undertaken by the order of our Government had sufficiently proved that there was no danger to be expected from such importations. Mr. Tricoupis said that he was ignorant of the causes which had led to the insertion of the paragraph referred to, as in his capacity of minister of the interior he had simply published a circular prepared by the sanitary authorities of his department; that if he had noticed the passage he would have inquired, because he remembered that Mr. Botassi, the Greek consul-general at New York, had made a report in which he stated that the reports about disease of swine, &c., in America had been greatly exaggerated. He promised me, therefore, to make further inquiries, and, without binding himself, gave me to understand that if the result of his inquiries proved satisfactory the prohibition would be withdrawn.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure in No. 8.—Translation.]

CIRCULAR PROHIBITING IMPORTATION OF AMERICAN PORK.

ATHENS, *January* 11, 1883.

The ministry of the interior to the nomarchs and eparchs of the Kingdom and to the bureau of health of Piræus:

According to the orders which you have already received, cows and buffaloes coming from Russia, Asia Minor, Syria, Egypt, Thrace, Valona, and Rahova in Roumania, on account of the epizoöty raging in those countries, are only allowed to be imported by way of Syra, Corfu, and Piræus, and after a previous quarantine. With regard to raw cow and buffalo hides of the same origin, their importation is only permitted by Syra and Corfu, and with all the prescribed sanitary precautions, while the importation of other products of these animals, such as bones, intestines, &c., is absolutely forbidden.

By the present circular we renew to you these orders, and also those concerning the prohibition to import into Greece hams, sausages, lard, &c., coming directly or indirectly from America, and we order you to see that these orders are strictly executed by the sanitary authorities of your jurisdiction.

On the recommendation of the medical counsel, and in view of the epizoöty existing in Thrace and at Valona, we also forbid the importation of cows and buffaloes coming from any part of Turkey in Europe, by any other way than Syra, Corfu, and Piræus, and until after a previous quarantine of nine days, including the days of the passage. We also forbid the importation into Greece of raw cow-hides of the same origin, except by way of Syra or Corfu, and after the observance of the sanitary measures perscribed by the regulations. The importation of dried and salted cow-hides is not prohibited.

You will communicate the contents of this circular to the sanitary authorities of your jurisdiction.

The minister:

CH. TRICOUPIS.

No. 317.

Mr. Schuyler to Mr. Frelinghuysen.

[Extract.]

No. 14.] LEGATION OF THE UNITED STATES,
Athens, February 20, 1883. (Received March 21.)

SIR: After receiving your dispatch No. 15, dated January 5, 1883, relating to the release from imprisonment of five Greeks at the request of General Wallace, I lost no time in informing Mr. Tricoupis of the facts contained in the dispatch of Mr. Heap, No. 147. I had already, in private conversation, told him of the preliminary steps in this case taken by General Wallace. Subsequently I stated to him the whole history of the case as set forth in General Wallace's report No. 158, inclosed in your instruction No. 17, dated January 22, 1883 Mr. Tricoupis begged me to express to you his thanks for the kind intervention of General Wallace, who had already on several occasions shown himself to be animated by a friendly spirit towards Greece. He asked me also to say that the Greek Government fully appreciated the feelings of friendship which had governed the State Department in its instructions to General Wallace. * * *

I have, &c.,

EUGENE SCHUYLER.

No. 318.

Mr. Frelinghuysen to Mr. Schuyler.

No. 20.] DEPARTMENT OF STATE,
Washington, March 9, 1883.

SIR: I have to acknowledge your No. 8 (Greek diplomatic series), of the 10th ultimo, in regard to the renewal of the prohibition against American pork, in which you state that you had a conversation with the minister of foreign affairs, in which he said that inquiry would be made in the matter. It is trusted that the hopes you express of the withdrawal of the obnoxious provision will be realized.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 319.

Mr. Schuyler to Mr. Frelinghuysen.

No. 22.] LEGATION OF THE UNITED STATES,
Athens, April 11, 1883. (Received April 30.)

SIR: The Greek Chamber has been formally closed after a session of about five months, it being found impossible to keep the deputies together any longer. Most of the laws proposed by the ministry have been passed, and there has been more real work done than usual. The excessive prolongation of the session was due principally to the action of the opposition, which, using the illness of M. Coumoundouros as an excuse, refused for a long time to attend the sessions so as to prevent a quorum.

The Chamber has been chiefly occupied with financial matters. A budget has been passed which, for the first time since 1862, shows a balance instead of a deficit. The estimates amount to about $14,500,000. To obtain this several measures were necessary. A law was passed applying the previous law with regard to the currency, by which the new *drachma*, equivalent to a franc, takes the place of the old *drachma*, the value of which was 12 per cent. less. A tax was imposed upon tobacco, the preparation of which for smoking is now the perquisite of the Government, and on cigarette paper. An excise duty was placed upon the consumption and exportation of wine and spirits. These three taxes are expected to bring in over $2,000,000 per year. In addition to this, all the taxes are to be levied in future in the new *drachmas* or francs, thus gaining 12 per cent. additional to the Government. All of these measures were hotly contested by the opposition, and it required all the courage and strength of Mr. Tricoupis to bring his own party to vote them, as there was a great disinclination among the deputies to render themselves unpopular among their constituents by imposing new taxes. Hitherto tobacco and wine have been free of tax.

Mr. Tricoupis distinguished himself in his last administration by repealing the oppressive tithe system, which had come down from Turkish times, to the detriment of agriculture, and substituting other less onerous taxes. He is doing his best to introduce a better system of administration and a more thorough execution of the laws. If his present financial policy be continued for a few years it will do much to raise the credit of Greece and to accustom the country to good and regular government. The next great measure before him is to return to specie payments.

In order to do this at once it would be necessary to raise the sum of about $14,000,000 to repay to the National and Ionian Banks the sums borrowed from them, in return for which their currency was made legal tender. It is said that there is a difference in the cabinet on this question, some holding that it would be better to raise this amount by a loan and repeal the legal-tender law, others, that this would cause a disturbance in the business of the country, and that in the course of two or three years, if the budgets continue to balance and a proper financial policy be pursued, the return to specie payment will come almost of itself.

A slight change has occurred in the composition of the ministry, although none in its policy. Mr. Tricoupis, who, besides being premier, has held the portfolios of foreign affairs, interior and war, finds himself overworked and has resigned that of foreign affairs into the hands

of Mr. Contostavlo, who has several times already been minister of foreign affairs.

Mr. Kalligas, the minister of finance, whose health is suffering, may perhaps go abroad for a while, but it is hoped will not resign.

I have, &c.,

EUGENE SCHUYLER.

No. 320.

Mr. Schuyler to Mr. Frelinghuysen.

[Extract.]

No. 27.] LEGATION OF THE UNITED STATES,
Athens, May 10, 1883. (Received May 31.)

SIR: The Prince of Bulgaria arrived here on May 3 and left on May 5. He arrived somewhat later than he expected, having gone to Jerusalem from Constantinople in order to avoid being in Athens during Holy Week, and his visit was cut short by the necessity of going to Cettigne to confer with the Prince of Montenegro before going to Moscow for the coronation of the Czar. While here he was treated by the Greek Government with the honors usually given to sovereigns. Unquestionably his visit here was to a certain extent brought about by political reasons, and it is to be hoped that it will serve to establish a better feeling than now exists between Greeks and Bulgarians. The causes of distrust on the part of the Greeks are even older than the war of 1877, and arise from their fixed idea that they should be the ultimate heirs of the provinces in Europe now under Turkish rule. It is a rivalry of race. They fear the extension of Bulgarian influence in Macedonia, and refuse to admit that this large Turkish province is inhabited chiefly by Bulgarians and not Greeks.

The church question is the consequence of these ideas, for although the church of the Hellenic Kingdom is independent of the Greek patriarch at Constantinople, yet the Hellenes look upon the patriarch as the representative of Greek political as well as religious influence in Turkey. When, therefore, the Bulgarians demanded a separate church for themselves with only a nominal dependence on the patriarch, and insisted that Greek priests and bishops should no more be sent to strictly Bulgarian communities, this excited great opposition on the part of the Greeks. The Bulgarian church, through the influence of Russia and France, was, nevertheless, constituted under an exarch living at Constantinople, who has spiritual rule not only over Bulgaria proper, but over Eastern Roumelia, portions of Macedonia, and some villages in the province of Adrianople, which are still under direct Turkish rule.

As the Hellenic point of view, although plainly contradicted by facts, is that the population of Eastern Roumelia and Macedonia is entirely Greek, chiefly on the ground that they have hitherto been included in the Greek church, and that any exercise of authority by the Bulgarian exarch is calculated to diminish Greek influence in Turkey, the Bulgarian church was declared schismatic by the patriarch. The Bulgarians are now desirous of restoring the friendly relations between the two branches of the Eastern church.

There are unquestionably towns and small districts both in Bulgaria and Eastern Roumelia where the population is chiefly Greek, although

not Hellenic subjects, and the Hellenes claim that these Greeks are oppressed by being subjected to Bulgarian laws and placed under Bulgarian influences. Certainly in some cases the Greeks have been badly treated. Schools, for instance, have been closed which they had the right to keep open. These difficulties, however, are gradually growing less. Personally the prince has made a favorable impression on the King and on the leading Greek statesmen, and it is therefore to be believed that his visit will have good results. This is also the opinion of the semi-official press, though some more ardent newspapers think it impossible to come to any *modus vivendi* with the Bulgarians unless they entirely yield to the Greek demands.

I have, &c.,

EUGENE SCHUYLER.

No. 321.

Mr. Schuyler to Mr. Frelinghuysen.

No. 29.] LEGATION OF THE UNITED STATES.
Athens, May 17, 1883. (Received June 4.)

SIR: Referring to my dispatch No. 8, dated February 10, 1883, on the subject of the prohibition of the importation of American pork into Greece, I have the honor to inform you that I yesterday had a conversation on the subject with Mr. Tricoupis, the president of the council of ministers. He stated to me that, in consequence of my previous representation, a circular had been issued to all the representatives of the Greek Government in Europe, requesting them to ascertain exactly the action of the Governments to which they are accredited on the subject; and that a telegram had also been sent to the consul-general of Greece at New York, requesting an exact report on the health of American swine and the quality of American pork and lard. He thought that answers would soon be received, and that within a month the Hellenic Government would be sufficiently well informed to be able to take action in the matter.

I have, &c.,

EUGENE SCHUYLER.

No. 322.

Mr. Davis to Mr. Schuyler.

[Extract.]

No. 33.] DEPARTMENT OF STATE,
Washington, May 28, 1883.

SIR: In a dispatch from Berlin, dated the 4th instant, Mr. Sargent remarks as follows:

> The London Times correspondent on the 1st instant says:
> Imitating the action of the German federal council, the Greek Government has, from sanitary considerations, forbidden the importation of all sorts of American pig flesh.

* * * * * * *

Information of this action of the Government of Greece was duly conveyed in your No. 8 (Greek diplomatic series), of February 10 last,

and of your conversation at the time with the minister of foreign affairs.

* * * * * * *

Aside from the assurance of Mr. Botassi, the Greek consul-general at New York, that the reports about diseases of swine, &c., in America, had been greatly exaggerated, a modification of the circular might well be asked upon the consideration which the subject has received in other directions.

Thorough scientific scrutiny and extensive observation at different periods, and by various earnest and competent individuals, have failed to establish that American pork is oftener or more fully impregnated than that coming from other regions, or that the serious maladies which the consumption of the diseased hog flesh may occasion are, as a fact, prevalent in any country; and when the immense pork products of this country which have annually been distributed and consumed is considered, this conspicuous freedom from the dreaded disease should itself relieve the United States from these unjust and unwarrantable charges.

This Government will yield to no other in the sincere intention of treating the public health as of paramount concern, and it would be the first to sacrifice any commercial interest fairly shown to be detrimental to the general individual comfort. In this spirit the Department, upon the first agitation of the subject, dispatched a skilled officer to the principal raising and packing districts here to obtain, for its guidance, a careful and candid investigation of the subject. His conclusions, which you will find in the inclosed pamphlets,* strongly developed the purity of this class of exports and confirmed the previous justifiable opinion that all contrary assertions were exaggerated and without sufficient foundation.

The further inspections which have occurred abroad have all tended to the same conclusion, and have exhibited a unanimity in this, that pork can safely be used if cooked, even when in rare instances containing trichinæ, and that its noxious effects have only been observed among those who consume it in the raw state. As to the cholera, which has served to create such marked apprehension abroad, it is well ascertained that this disease attacks mostly the young swine (here known as "pigs") whose flesh can never be utilized by the packers, and that whenever its victim is a mature swine, here known as "hog," the decomposition is so speedy as to render it impossible to treat it for any commercial use whatever.

In the face of these considerations, this Government does not expect a persistent adherence to the prohibitory policy which has already injured our trade and depreciated our products, and it cannot observe without earnest protest the announcement, at this late stage, of the determination of any Government to enter upon the policy which has so unjustly affected a legitimate and valuable trade.

It is not to be overlooked that, so far as Greece is concerned, the direct importation, at least, of American pork is very insignificant; that it is not understood that a single instance of disease from its use has been noted there, and therefore the present acceptance by that Government of the policy which has already borne hard upon the commerce of our citizens with other countries would groundlessly throw the weight of her influence in favor of a harsh and unjust discrimination against American commerce.

* House Ex. Doc. 209, Forty-seventh Congress, first session, page 179.

It is hoped that you will take early occasion to endeavor to obtain from the minister a recession of the objectionable restrictions, informing him of the uncordial attitude to an American interest which the present position of Greece necessarily presents.

* * * * * * *

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 323.

Mr. Schuyler to Mr. Frelinghuysen.

No. 31.] LEGATION OF THE UNITED STATES,
Athens, July 25, 1883. (Received August 18.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 33, dated May 28, with reference to the prohibition by the Greek Government of American pork. I have not failed to give this subject my earnest attention, but I have not yet obtained the exact replies to the circulars sent out by the Greek Government, as mentioned in my dispatch No. 29, dated May 17.

I do not despair of obtaining a modification of the order in question. It must be observed, however, that southern peoples are very susceptible to anything that concerns public health, and although almost no pork is imported into Greece from any country, yet the fact that such importation has been prohibited or restricted in other countries would be a sufficient reason in the minds of many for a similar restriction here without the necessity of suggestions from outside to that effect. This susceptibility may be particularly observed now, when a quarantine of twenty-one days has been imposed on account of the cholera in Egypt. As the quarantine in Turkey on similar vessels is only ten days, it is proposed to impose a quarantine of eleven days on all vessels coming from Constantinople.

In the mean time I respectfully ask you to inform me briefly as to the status of American pork *in all the other countries of Europe*, whether freely admitted, with restrictions, or entirely prohibited. I have some general knowledge of the subject, but do not know positively the present state of the case, except as regards Germany and Austria.

I shall also be glad to receive several more copies of the pamphlet entitled "American Pork," inclosed in your No. 33. If there is a translation in French it would be more useful for distribution.

As concerns the prohibition of pork in Roumania, of which I informed you by my dispatch No. 86, dated September 22, 1881, the case is different, and I do not consider it possible to obtain any modification whatever. The fact is that the sanitary and veterinary regulations between Austria-Hungary and Roumania are very severe and are enforced on the part of the Hungarian Government with great vigor on very slight pretexts. Roumania exports pigs and pork, and does not generally import them, and unless it maintain the restrictions against the pig products of other countries its exportation to Austria-Hungary will be forbidden.

I have, &c.,

EUGENE SCHUYLER.

by Indian Agent Lincoln to the commanding officer at Fort Assinniboine, about fifty lodges of Crees, under Chief "Waterfall" or "The Man-who-breaks-through-the-ice," at a place in a northeasterly direction from Fort Belknap and a few miles south of the boundary, numbering about 280 persons.

A band of about twenty lodges of Crees were at the Belknap agency on at least two different occasions during the winter. This band, I estimate, numbered about 120 persons.

During the autumn and winter roving hunting parties of Canadian Indians and half-breeds, not included above, were from time to time south of the boundary in the Milk River region, but as to these I have been unable to obtain information sufficiently definite for statement of their numbers.

Very respectfully, &c.,

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District of Montana.

A.—*Statement of the number of half-breeds and Canadian Indians who have been during the last past autumn and winter in the Milk River country and on adjoining reservations for Indians in the Territory of Montana. Compiled at headquarters Department of Dakota, from the best information that can be obtained.*

Date.	Place where found or heard from.	Description and number of people.	Number.	Remarks.
December, 1882	Near mouth of Frenchman's Creek.	Crees and half-breeds.	350	Fifty lodges estimated at number given.
November and December, 1882; January and February, 1883.	Woody Island Creek, near its junction with Milk River, Montana Territory.	Crees under Chief "Rosebud" or "The Hip" and "Frozen Nose."	308	Forty-four lodges, estimated at number given, captured by a detachment under Lieutenant Hardin, Eighteenth Infantry, February 3, and sent across the Canadian boundary line.
December, 1882; January, February, March, April and May, 1883.	Near mouth of Muscleshell River, Montana Territory.	Crees.....	12	
Autumn of 1882	Northeast from Fort Belknap, a few miles south of the Canadian boundary line.	Crees under Chief "Waterfall" or "The Man-who breaks-through the-ice."	280	Forty lodges estimated at number given.
Winter of 1882 and 1883	At Belknap agency, Montana Territory.	Crees.....	120	Twenty lodges estimated at number given.
Autumn of 1882 and winter of 1882 and 1883.	Milk River region.	Other Canadian Indians and half-breeds in roving bands and hunting parties.	....	No definite data as regards numbers obtainable.
From November 26, 1882, to December 9, 1882.	Eastern portion of Milk River country.	Half-breeds, first party seen.	7	
		Half-breeds, second party seen.	20	This party, when about to be overtaken, abandoned 58 carts, 200 robe hides, and about 1,500 pounds of meat, and fled with their ponies.
		Half-breeds and a few Crees, third party seen.	37	
		Half-breeds, fourth party seen.	5	
December, 1882, dates later than above.	Same	Several parties of half-breeds, in all.	86	
February 26, 1883.....	Near head of Beaver Creek, Montana Territory.	Crees.....	47	
Winter of 1882-'83.....	South of Missouri River, near Fort Peck.	Half-breeds.....	200	Fifty families, estimated at two hundred persons, camped for hunting purposes on the north of the Missouri River.
		Total	1,422	

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., June 8, 1883.

House Executive Document No. 209, Forty-seventh Congress, first session.

Referring to my dispatches No. 8, dated February 10, No. 29, dated May 7, and No. 31, dated July 25, I have further to report my action on the subject.

About April 20, after Mr. Tricoupis had given up the foreign office and Mr. Contostavlo had been appointed minister of foreign affairs, I received a circular on the importation of pork, dated April 7 (19), of which I inclose a copy and a translation. I immediately went to see Mr. Contostavlo, and expressed my regret that an additional circular should be issued, when the question of the prohibition of pork was under discussion between the two Governments in consequence of the circular of January 11. He professed his entire ignorance of the matter, as he had just entered office, and promised inquiry.

* * * * * * *

As the result of several consultations with the prime minister, the minister of foreign affairs, and the minister of the interior, the question was twice sent back to the medical council, and on each occasion this body, composed of three physicians practicing in Athens, at the head of which is Dr. Soutsos, the chief medical officer of the army, refused to rescind the action which it had already taken. The reason given was that the importation of pork had been prohibited in France, and as a southern people like the Greek was especially susceptible to anything which bore upon the health of the population, the medical council had considered it necessary to follow this precedent. * * *

When the medical council had twice refused to revise their action, I considered it my duty to bring to the notice of the authorities the fact that their action in the case was contrary to the provisions of Article VIII, of our treaty with Greece of 1837. Mr. Contostavlo said offhand that sanitary considerations took precedence of all others. I replied that this could only be the case where they were mentioned in the treaty; that there was often a provision in treaties that prohibitions applying to a single country might be made where sanitary measures warranted it; but that without such a provision I could not admit its propriety, especially as in the treaty of 1837, the article about quarantine (Article XV) showed that sanitary questions had been considered by the negotiators. * * *

After receiving your dispatch No. 5, dated September 18, I addressed to Mr. Contostavlo a note on the subject, dated October 17, a copy of which I herewith inclose, marked 3, and of which I trust that you will approve.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 42.—Translation.]

Circular of the minister of foreign affairs.

MINISTRY OF FOREIGN AFFAIRS,
Athens, April 7 (19), 1883.

The minister of foreign affairs has the honor to inform the legation of the United States of America that, upon the advice of the medical council of Athens, the department of the interior has just forbidden the import into Greece of hams, sausages, lard, and other pork products coming from America, because of the trichinosis with which pigs in that country are attacked.

The import of similar products coming from other countries will only be allowed on a certificate from the sanitary authorities of the country, certified to by the competent Hellenic consul, stating that the above malady does not exist in the country from which these products come.

Mr. Contostavlo has, &c.

[Inclosure 2 in No. 42.]

Mr. Schuyler to Mr. Contostavlo.

LEGATION OF THE UNITED STATES,
Athens, October 5 (17), 1883.

Mr. MINISTER: After the conversation which I had the honor to have with your excellency on the subject of the prohibition, by the Hellenic Government, of hams, sausages, lard, and other products of pork imported from the United States, I had hoped that the medical council would revise its decision. I thank you sincerely for having on two different occasions called the attention of the medical council to this subject, and I greatly regret that it has seen fit to maintain its former decision.

The council has apparently not taken into consideration the statements with regard to the manufacture of pork and proving the absence of disease in the United States, as set forth in the official report, of which I had the honor to give you a copy, and of which I now inclose three copies in a French translation. It would appear, too, from what your excellency told me, that the medical council has not examined this question for itself nor has even ever seen and inspected pork products of American origin, but has based its decision upon the action of certain other Governments, which, in order to encourage the production of salt pork at home, have, under the pretext of sanitary measures, prohibited its importation from the United States. As you are aware, Mr. Minister, not all Governments have taken the same course of action, and I may cite especially Great Britain and Belgium, in which countries American pork is largely consumed without injurious effect upon the health of the population. This deference on the part of the medical council to the action of certain other Governments is the more astonishing, as I am informed that the Hellenic consul-general at New York has officially reported that the accounts of disease among American hogs have been greatly exaggerated, yet no consideration seems to be given to his statements, and American pork is absolutely prohibited, while pork is allowed to be imported from other countries on the consul's certificate.

The medical council has apparently overlooked the fact that the difference of treatment which it establishes for the importation of pork is in direct contravention of Article VIII of the treaty between the United States and Greece of December 10–22, 1837. This article provides that there shall not be established in Greece on the products of the soil or of the industry of the United States any prohibition or restriction of importation unless such prohibition or restriction be also established upon articles of like nature coming from other countries.

As I am sure that His Majesty's Government has no intention of even seeming in any way to act contrary to the provisions of the treaty, I have no doubt that your excellency will at once call the attention of the medical council to this point, and provide that the pork products of the United States receive the same treatment as similar products of other countries.

I seize, &c.,

EUGENE SCHUYLER.

HAWAIIAN ISLANDS.

No. 326.

Mr. Frelinghuysen to Mr. Daggett.

No. 14.] DEPARTMENT OF STATE,
Washington, December 13, 1882.

SIR: Representations have recently been made to the Department to the effect that Chinese sugar is taken to the Hawaiian Islands and exported thence to the United States as the produce of those islands,

for the purpose of securing the advantage of our reciprocity treaty with Hawaii of 1875.

You will, therefore, institute a thorough but discreet investigation into these charges, ascertaining if possible their truth or falsity, as the case may be, and reporting hither fully the result of your examination in the premises.

You will give the subject your immediate attention.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 327.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
Honolulu, December 21, 1882. (Received January 8, 1883.)

SIR: The character of the reference to our reciprocity treaty with the Hawaiian Islands by the President in his late annual message to Congress warrants me in anticipating more extended suggestions on the subject by a brief expression of opinion than public sentiment in these islands would favor, and the Government is not in a condition to successfully oppose complete reciprocity as a consideration for the continuance, in substance, of the treaty now existing between the two Governments.

Sugar-raising is the paramount interest of these islands, and every other industry seems to be directly or indirectly connected with or subservient to it. The aggregate area of lands suitable for cane-growing in this group is not great, and is confined to a few districts where the rainfalls are abundant, and to a larger number where irrigation is necessary through the diversion of the waters of small mountain streams. As the most of the lands on which cane-growing is possible, either through favoring rains or accessibility to artificial irrigation, are already under cultivation, the cane-growing capacities of the Hawaiian Islands may be pretty accurately determined, and the conclusion follows that the sugar product of the future can never, under treaty encouragement the most favorable, be largely in excess of the yield of to-day. The annual product may now be estimated in round numbers at 60,000 tons, and intelligent planters do not place the utmost capacity of the islands beyond 100,000 tons yearly.

Assuming this showing to be reasonably correct, I beg to present it as a point of some importance in weighing the commercial, and therefore political control of these islands against the purely commercial inequalities of reciprocity, together with such embarrassments, if any, to kindred domestic interests as a limited and known competition might create.

The total value of imports into the Hawaiian Islands in 1881 was $4,402,694.09, of which amount the United States furnished the value of $3,122,852.93. Of the latter imports the value of $2,646,577.12 was admitted free, and duty was collected on the value of $476,275.81. Thus, it will be seen, about 18 per cent. of the imports of the United States were subject to duty.

Absolute reciprocity would not only relieve our commerce of duties on this 18 per cent. of our exports to these islands, but would virtually

No. 309.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *August* 8, 1883. (Received August 10.)

SIR: Referring to your note of the 16th June, 1883, I have the honor to inclose to you herewith copy of an approved report of a committee of the privy council of Canada, which I have received from Lord Lorne, embodying a report of the superintendent-general of Indian affairs and conveying an expression of the gratification afforded to the Government of Canada by the good understanding which exists between the officer of the Canadian northwest mounted police force at Fort Walsh and the officers commanding the United States troops on the frontier, resulting in their co-operation for the suppression of Indian raids from either side of the line.

I have, &c.,

L. S. SACKVILLE WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General on the 4th of August, 1883.

The committee of the privy council have had before them a dispatch, dated 17th June, 1883, from the British minister at Washington, forwarding correspondence concerning the raids of Canadian Indians into the northwestern Territories of the United States.

The superintendent-general of Indian affairs, to whom the dispatch and inclosures were referred, recommends that the Government of the United States be informed through Her Majesty's minister at Washington of the gratification it affords your excellency and your excellency's Government to learn of the good understanding that exists between the Canadian officer of the northwest mounted police stationed at Fort Walsh, and the officers commanding the United States troops on the frontier, resulting in their co-operation for the suppression of Indian raids from either side of the line; and that it is hoped that their efforts in this direction will be entirely successful.

The committee concur in the foregoing recommendation, and they submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 310.

Lord Granville to Mr. West.

FOREIGN OFFICE,
August 17, 1883.

SIR: On the 29th May last Mr. Lowell communicated to me a copy of a further dispatch, dated the 5th of that month, which he had received from Mr. Frelinghuysen, respecting the projected Panama Canal, of which a copy was forwarded to you in my dispatch No. 128, of the 16th June last.

By my dispatches of the 7th and 14th January and 30th December, 1882, which were written in answer to several letters addressed by the United States Secretaries of State to the American ministers at this court, and with the contents of which I had been made officially ac-

trious dead, and that you should express the sorrow of the President, and of this Government, that death should have thus stricken down an honored representative of a friendly nation at his very post of duty. You may add that in all this our sense of esteem for his memory of the man himself is no less earnest than our offering of official respect for the doubly high office he held so worthily.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 329.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 50.] LEGATION OF THE UNITED STATES,
Honolulu, February 15, 1883. (Received March 5.)

SIR: The departure of the mail steamer on the day of the coronation enabled me to furnish you at that time with but few of the details of the ceremonies. I beg now to present a more complete report.

On the 8th instant I was officially informed by the minister of foreign affairs that on the day of the coronation the Hawaiian flag would be displayed on all Government buildings, and royal salutes would be fired from the battery at sunrise and sunset, and also at the conclusion of the coronation ceremonies; and I was invited to participate in the observance of the day, and to request the commanders of the United States national vessels in the harbor to join in observing the day with appropriate honors. I inclose a copy of the note of the minister of foreign affairs. In a personal interview with Captain Wilson, senior officer, it was arranged that the Lackawanna and Wachusett should be appropriately dressed during the day of the coronation, and that the former would fire salutes of twenty-one guns at sunrise, at sunset, and at the conclusion of the coronation ceremonies.

The two vessels were accordingly tastefully dressed on the morning of the 12th, and the salutes were duly given by the Lackawanna, adding much to the effect of the day's proceedings. The national flag was displayed at the United States legation and consulate, and the United States minister resident, the United States consul, and most of the officers of the Lackawanna and Wachusett, in full dress, attended the ceremonies at the palace, occupying seats assigned to foreign guests of rank.

I inclose herewith a printed report of the coronation ceremonies. It is from the Pacific Commercial Advertiser, a journal favorable to the ministry and the event described, but it is more accurate than other reports, and is substantially correct.

As events connected with the coronation, it may be pertinent to mention that on the 10th instant the institution of the order of the "Crown of Hawaii" was officially promulgated.

On the 10th instant a number of princes and princesses were created by royal patent, and a general order of precedence among them was established. * * *

On the day of the coronation twenty-three convicts were pardoned by His Majesty and liberated from the prisons of Honolulu.

On the 14th instant a bronze statue of Kamehameha I was unveiled

in the grounds of the state house, opposite the palace. Great enthusiasm was manifested by the people. * * *

A state dinner was given at the palace on the evening of the 14th instant, attended by the diplomatic representatives, and a state ball at the palace on the 20th instant will probably conclude the coronation festivities.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 50.]

Mr. Gibson to Mr. Daggett.

FOREIGN OFFICE, *February* 8, 1883.

SIR: I have the honor to inform you that Monday next, February 12, the ninth anniversary of the accession of His Majesty the King, and coronation day, will be observed as a national holiday. The Hawaiian flag will be displayed on all Government buildings and royal salutes fired from the battery at sunrise and sunset. A royal salute will also be fired about noon, as will be announced by signals from the palace, at the time of crowning of their Majesties.

I respectfully invite you to participate in the observance of the day, and beg that you will request all commanders of American vessels now, or that may be in port to join in observing the day with appropriate honors.

Yours, &c.,

WALTER M. GIBSON.

[Inclosure 2 in No. 50.—Extract from the Daily Pacific Commercial Advertiser, Tuesday, February 13, 1883.]

The coronation, February 12, 1883.

Yesterday the imposing ceremony of the coronation of their Majesties the King and Queen of the Hawaiian Islands took place at Iolani palace.

* * * * * * *

At the hour of 10.15 a. m. the King street gate of the palace grounds was thrown open to admit all those persons who had received invitations.

All those who had been invited to occupy seats on the lower veranda of the front entrance of Iolani palace were seated under the direction of His Majesty's chamberlain.

Members of the Legislature, officers of the Government, the clergy of the several churches, schools, institutions, and the public generally, invited to witness the ceremonies, had seats assigned to them in the amphitheater by ushers acting under the authority of the executive committee.

At 11.15 a. m. Their Majesties entered the hall; at 11.30 a. m. the procession, headed by the marshal of the Kingdom and the honorable marshal of the household, moved to the pavilion. At the appearance of His Majesty's chamberlain at the front entrance of the palace, the heralds proclaimed the approach of Their Majesties.

The following was the order of procession to the pavilion, arranged by His Majesty's chamberlain: Marshal of the household, marshal of the Kingdom, chaplain of the household, the honorable president of the Legislative Assembly, the chancellor, princesses of the blood and consorts, bearer of the King's jewels and decorations, bearer of the scepter, bearer of the sword of state, bearer of the crown, bearer of the robes, bearer of the palaoa, bearer of the puloulou, bearer of the torch, bearer of the kahili of pili, the King's chamberlain, Their Majesties the King and Queen, bearer of Her Majesty's train, ladies in waiting to the household, aides-de-camp.

The choir then sang the following anthem:

Almighty Father, hear! the Isles do wait on Thee,
That Thy hand shall lead our chosen chief and King.
Bless, O God! the purpose of his life and ru e.
Let the Isles increase with souls and joy.
Send healing unto all the people of the King.
Let wealth and thrift come flowing from afar.
Let the nations rejoice in the freedom of the Isles,
And peace and good will forever bless the land.
And the glory for all ages, evermore. Amen.

Then the marshal of the household, standing near the rail of the pavilion and facing the assembled people, declared in a loud voice the King's accession and rights to the Hawaiian throne in the following words:

"Princes, nobles, representatives, and people of Hawaii assembled: I here proclaim unto you that David Laamea, Kamanakapuu, Mahinulani, Naloiaehuokalani, Lumialani, Kalakaua, the King, Generalissimo, Ke Alii Kapu, Hoano, Ka wela, Ka moe, Ka I Kuhaipuhilaninuu, Wohi Kuakahili, Haku o Ka Poni ana i Moi, Haku o ka Ohiako a me ka Palaoa Pae, Kukuiaikeawakea, Kama Alii Hanau o Ka Aina, grand master of the royal order of Kamehameha I, grand master of the royal order of Kalakaua, grand master of the royal order of Kapiolani, grand master of the royal order of the Crown of Hawaii, knight of the order of Francis Joseph of Austria, knight of the order of St. Lazarus and St. Maurice of Italy, knight of the order of the Red Eagle of Prussia, knight of the order of Dannebrog of Denmark, knight of the imperial order of the Chrysanthemum of Japan, knight of the Crown of Siam, knight of the order of St. Michael and St. George of England, knight of the order of Leopold of Belgium, knight of the order of Vasa of Sweden and Norway, knight of the order of the Conception of Portugal, knight of the order of Charles XII of Spain, knight of the order of the Lion of the Netherlands, knight of the order of Liberator of Venezuela and Bolivia, president of the privy council of state, the son Alii Kapaakea, and the Alii Keohokalole, is the rightful occupant of the Hawaiian throne and sovereign chief of the Hawaiian Islands, and their dependencies, as heretofore claimed by his predecessors, chosen by the nobles and representatives of the Kingdom; and that you render unto His Majesty all fealty and loyal obedience under the laws of the realm."

Princess Poomaikelani then advanced and presented to His Majesty a puloulou and a palaoa, borne upon a cushion, Ke Kukuioiwikauikaua, and the Kahili, of the King Pili, as symbols of ancient supreme chieftaincy, which, being accepted by His Majesty, were placed beside the throne and remained there throughout the remainder of the ceremony.

The chancellor then advanced, and standing before the King, said, "Sire, is Your Majesty willing to reaffirm your previous oath?"

The King answered, "I am willing."

The King then left his throne, and advancing toward the chancellor, raised his right hand and said after the chancellor:

"I, David Kalakaua, King of the Hawaiian Islands, having, on the twelfth day of February, in the year of our Lord one thousand eight hundred and seventy-four, in conformity with the provisions of the constitution of the Kingdom, been duly elected by the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled, to the throne of this Kingdom, and having on the following day taken the oath prescribed by Article XXIV of the constitution, do hereby of my own grace and motion solemnly reaffirm the same; and I do hereby solemnly swear in the presence of Almighty God to maintain the constitution of the Kingdom whole and inviolate, and to govern in conformity therewith."

The King then signed the oath, and, after the signing, returned to his throne.

The chancellor then advanced and placed the sword in the King's hands, saying, "Receive this kingly sword as the ensign of justice and mercy."

The King received the sword and placed it again in the hands of the chancellor, who passed it to the noble in charge of it, and he was ordered by the chancellor to unsheathe it, and he then unsheathing the sword, carried it naked during the rest of the solemnity.

Princess Kekaulike then advanced with the robe, and placed it in the hands of the chancellor, who then placed it on the King's shoulders, saying, "Receive this ancient mantle of your predecessors as the ensign of knowledge and wisdom."

The chancellor then put the ring on the fourth finger of His Majesty's right hand, saying, "Receive this ring, the ensign of kingly dignity."

The chancellor then delievered the scepter to the King, saying, "Receive the royal scepter, the ensign of kingly power and justice."

Prince Kawananakoa then advanced with the crowns, the choir singing the following hymn:

Almighty Father, we do bring
Gold and gems for the King;
Pure gold for the true chief,
The symbol of true love.
Gems of the hidden mine,
Gleaming forth a glory;
The glory of the unfolding Isles
That grow in wealth and peace—
That come to crown their King,
The heir of the farthest ages,
Chosen by the Almighty Father!
To whom the honor and the glory. Amen.

The honorable president of the Legislative Assembly then took the King's crown, and raised it up before the people, and placed it in the hands of the chancellor, saying, "I present this crown to the rightful King of these islands, approved by acts of the Legislative Assembly, in the Legislature of the Kingdom assembled, of the years 1880 and 1882."

The chancellor then placed it in the King's hands, saying, "Receive this crown of pure gold to adorn the high station wherein thou hast been placed."

The King then raised up the crown and placed it upon his head.

The chancellor then took the second crown and placed it in the King's hands, who rose and placed it upon the Queen's head, who reverently bowed her head on receiving it, the King saying, "I place this crown upon your head, to share the honors of my throne."

A prayer then followed, their Majesties kneeling:

"Almighty Father, who crownest Thy faithful servants with mercy and loving kindness, look down upon these, thy servants, Kalakaua and Kapiolani, who now in lowly devotion bow their heads to Thy Divine Majesty, and as Thou dost this day set crowns of pure gold upon their heads, so enrich their royal hearts with Thy Heavenly Grace, and crown them with all princely virtues which may adorn the high stations wherein Thou hast placed them, and Thine the honor and glory forever and ever. Amen."

Their Majesties then rose and resumed their places upon the throne. At the conclusion of the prayer, signals from the palace towers announced the event, and a royal salvo of guns was fired from the battery and men-of-war in port.

The choir then sang the following anthem:

Cry out, O Isles, with joy!
With loud-sounding praises,
Unto Thee, Almighty Father
Who gave union to the Isles;
Who gave them place on high
Among the mighty of the earth;
Who hath led our chief and King
Along the paths of the world,
And led him to a throne
Set up by Thee, O God!
In the hearts of his people.
Cry out, O Isles, with joy.
With loud sounding praise,
Unto Thee, Almighty Father!
For all ages, evermore. Amen.

The coronation ceremony being completed, the King and Queen, attended as before, retired to the grand hall, when the disrobing took place.

Form of procession leaving the pavilion: Marshal of the household, marshal of the Kingdom, chaplain of the household, the honorable president of the Legislative Assembly, the chancellor of the Kingdom, the governess of Hawaii, princesses of the blood and consorts, bearer of the palaoa, bearer of the puloulou, bearer of the torch of Iwikauikaua, bearer of the Kahili of Pili, bearer of the jewels and decorations, bearer of the scepter, bearer of the crowns, the King's chamberlain, bearer of the sword of state, Their Majesties the King and Queen, bearers of Her Majesty's train, Kahili bearers, ladies in waiting.

The King then received the homage of the chancellor, the ministers, the nobles, the associate justices, privy councilors and circuit judges.

After which His Majesty received the diplomatic corps, the naval officers and consular corps; also, the police justices, the members of the Legislative Assembly and members of the bar.

On the conclusion of the ceremonies, the band played Meyerbeer's celebrated "Coronation March," and as the people dispersed there was a general feeling of approbation expressed with the successful manner in which the whole proceedings had been conducted. Flags were displayed in every direction, and the harbor presented an unusually gay appearance, with four full-dressed men-of-war and twenty-two merchantmen. The inter-island steamers and schooners also put forth all the bunting they possessed.

Long live the King!

No. 330.

Mr. Daggett to Mr. Frelinghuysen.

No. 53.] LEGATION OF THE UNITED STATES,
Honolulu, February 26, 1883. (Received March 29.)

SIR: In completing the record of public events connected with the coronation on the 12th instant, I beg to report that the festivities of the occasion closed to-day, and the city has resumed its usual condition of quietude and popular content.

On the evening of the 17th the palace and other public buildings were illuminated, and a display of fire-works occurred in the palace grounds, which were opened to the public, and on the hills overlooking the city.

On the 19th His Majesty, accompanied by his chamberlain and two staff officers, visited the four vessels of war in the harbor in the order of their arrival here. The vessels were appropriately dressed, and the yards of all were kept manned until the visits were completed. Salutes on arrival and departure were given by the Lackawanna, and a departing salute was fired by the Limier (French). Before leaving the vessels His Majesty conferred decorations on their commanders. Being present, the decorations designed for Captain Wilson and Commander Pearson were placed in my hands by His Majesty, and, with others, will be forwarded to your Department,

The state ball, to which over seven hundred invitations had been issued, was given at the palace on the evening of the 20th, and was largely attended. The dancing floor and supper tables were under canvas canopies connected with the main entrance to the palace, and the lights and decorations made a striking picture of the scene.

On the 22d a regatta took place in the harbor; but as the weather was unfavorable it was not a marked success.

On the 24th a *luau*, or native feast, was given in the palace grounds at 1 o'clock p. m. Not less than 500 invited guests partook of the novel banquet, including the royal family and foreign representatives, followed by 2,000 or 3,000 natives. In the evening, while the natives were enjoying the *hulas*, or native dances, in front of the palace, the invited guests were entertained within it by the royal band and dancing in keeping with their tastes.

Races at Kapiolani Park on the 26th concluded the coronation festivities.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 331.

Mr. Daggett to Mr. Frelinghuysen.

No. 56.] LEGATION OF THE UNITED STATES,
Honolulu, March 5, 1883. (Received March 29.)

SIR: Agreeably to your instructions embraced in dispatch No. 14, of December 13, 1882, I have the honor to report that I have made a careful examination of the representations made to your Department, to the effect that "Chinese sugar is taken to the Hawaiian Islands and exported thence to the United States as the product of those islands for

[Inclosure.—Telegram.]

FORT BUFORD, DAK., *November* 11, 1883.

To ADJUTANT-GENERAL, *Department Dakota, Fort Snelling, Minn.:*

Lieutenant Bell brought in eleven men, twelve women, thirty-eight children, forty-six ponies, twenty-two carts, three spring wagons, tents, bedding, &c.

Most of them are Canadian half-breeds; some of them are the same that were sent over the line by General Miles in '79. Lieutenant Bell says it is a den of thieves. The meat of the cattle that were stolen was found cachéd in camp. Humanity prevents me from carrying out letter instructions, as the women and children will freeze, after putting them across the line, without transportation.

Instructions requested. Their camp 30 miles from river, on White Earth.

WHISTLER,
Commanding.

HEADQUARTERS DEPARTMENT DAKOTA,
Fort Snelling, Minn., November 12, 1883.

COMMANDING OFFICER, *Fort Buford, Dak.:*

Telegram of yesterday received. Send the Canadian Indians and half-breeds across the line, and let them take such of their property as may be necessary to keep them from suffering.

By command General Terry.

BRECK,
Assistant Adjutant-General.

GREECE.

No. 314.

Mr. Frelinghuysen to Mr. Schuyler.

No. 15.] DEPARTMENT OF STATE,
Washington, January 5, 1883.

SIR: I herewith inclose a copy of a dispatch,* No. 147, of the 2d ultimo, received from Mr. Heap, chargé at Constantinople, in which he informs the Department of the release from imprisonment by the Sultan, at the request of Mr. Wallace, of five Greeks.

You may inform the Greek Government of the facts, as evincing the friendship of the United States for that country.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 315.

Mr. Davis to Mr. Schuyler.

No. 17.] DEPARTMENT OF STATE,
Washington, January 22, 1883.

SIR: Referring to a previous instruction, No. 15, of the 5th instant, I herewith inclose a copy of a dispatch (No. 158, of the 25th ultimo),† from Mr. Wallace, our minister at Constantinople, in which he details

* See Mr. Heap to Mr. Frelinghuysen, No. 147, December 2, 1882, *post.*
† See Mr. Wallace to Mr. Frelinghuysen, No. 158, December 25, 1882, *post.*

There are 81 sugar plantations on the islands, 54 of which mill their own cane, and 8 custom sugar mills. Of these plantations and mills 39 are on Hawaii, 21 on Maui, 18 on Kauai, 8 on Oahu, and 3 on Molokai. Very few of these plantations are isolated. As a rule they are grouped in districts favorable to cane growing, where a common port or inlet, at greater or less distance, serves them all.

As steamers and sailing vessels are constantly plying at short intervals between these sugar-producing islands and Honolulu and other ports of shipment, and as no vessel large enough to be of service could enter any of these ports or inlets and in broad daylight take in or discharge in lighters or barges a cargo of sugar, or any considerable portion of it unobserved, it follows that the illicit landing of sugars undetected could be accomplished only through a widespread conspiracy of the planters, a presumption which I cannot ask you for a moment to entertain.

The second inquiry, "Would it have been profitable to make such shipment and reshipment of Chinese sugars, an evasion of the payment of duty being the sole purpose and consideration?" has already been partially answered in referring to the difficulties of the undertaking; and in this connection permit me to add, (1) that the difference in the strength, granular structure, and general appearance of Chinese and Hawaiian raw sugars is so marked that the former could not be made to pass for the latter under competent and honest inspection without, at least, an equal mingling in quantity of each, and a regranulation of the combination; (2) that the mills necessary to this process are, possibly, with two or three exceptions, from 1 to 5 miles inland; and (3) that the laborers employed in the lightering, hauling and reworking of Chinese sugars could not be kept in ignorance of their character, and their silence would have to be purchased by increased wages or other considerations affecting the profits of the lawless business.

Were it possible, then, to land Chinese sugars undetected in Hawaiian ports in order to evade the light Hawaiian tax of 10 per cent. and our own duty of from 2 to 3 cents per pound, the expenses of handling and working, as follows, would have to be met:

1. Lighterage to the shore, probably at night and under unfavorable circumstances.
2. Loading and transportation inland from 1 to 5 miles.
3. Mixing and working in with Hawaiian sugars.
4. Resacking, reloading, and retransportation to the shore.
5. Lighterage to the vessel.

The expenses of these services would vary somewhat at different ports and under different circumstances, but on the whole it would be under most favorable conditions that the profits would exceed the evaded duties.

In answer to the inquiry, "Have such shipments and reshipments of Chinese sugars really been made?" admitting them to have been both possible and capable of profit, I desire to call your attention to the important fact that the gross sugar product of the Hawaiian Islands in 1882 was not in excess of, but rather below, the estimated average yield of the acreage under sugar cultivation.

According to the latest exhibits, the total area of lands planted in cane on these islands is 39,000 acres. As cane matures here in about eighteen months, the number of acres cropped in 1882 may be placed at 26,000, which yielded a fraction over 57,000 tons of raw sugar, all of which, with the exception of less than 2 tons, was exported to the United States. The average yield per acre, it will thus be seen, was a

little short of $2\frac{2}{10}$ tons, and that average on 26,000 acres, which is light for these islands, accounts for every pound of sugar produced and exported in 1882.

Again, for more than a year the United States consul here has exacted from shippers the procurement of separate invoices for the sugars of each plantation, and the exact places of product are stated under oath. So, if Chinese sugars have been shipped illicitly from these islands in 1882, every invoice naming them has borne a perjury upon its face.

It is manifest that no such shipment and treatment of Chinese sugars could be made without the knowledge of many; yet the charges I have been instructed to investigate have been neither repeated nor credited here.

It seems hardly necessary for me to say, in conclusion, that I cannot believe that Chinese sugars have been in the past, or are now, brought to these islands and reshipped to the United States as the products of Hawaiian plantations.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 332.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 64.] LEGATION OF THE UNITED STATES,
Honolulu, April 6, 1883. (Received April 27.)

SIR: I deem it proper to direct your attention to a very marked renewal of the immigration of Chinese laborers to these islands. There are now in quarantine here nearly 1,000, and it is estimated that between 3,000 and 4,000 in addition will be landed here from Hong-Kong within the next thirty-five or forty days.

This sudden influx is due to the removal of the restrictions which for some time past have retarded the departure of Chinese laborers from Hong-Kong and to the closing of the ports of the United States against these classes. The introduction of additional Chinese laborers, even beyond actual requirement, is generally regarded with favor by the planters, since an excessive labor supply would tend inevitably to a reduction in labor rates.

There are now in these islands about 16,000 Chinese. It is estimated that 4,000 are engaged on the plantations. The remaining 12,000 are occupied as rice-planters, gardeners, shopkeepers, fishermen, tailors, boot and shoe makers, domestics, peddlers, &c., and in various other pursuits. They are steadily depriving the natives of their means of support. * * *

A further considerable increase in the number of Chinese laborers here would assuredly hasten the destruction of the native people, and sooner or later render it difficult for the Hawaiian Government to protect the great foreign interests commercially controlling the islands.

In view of this threatened inundation of Asiatics, I have felt it my duty to personally direct the attention both of His Majesty and of His Majesty's minister of foreign affairs to the great danger of permitting Chinese adventurers to domicile themselves here without restriction, and to impress upon the Government the necessity of taking measures tending to turn back the tide.

I have reason to believe that the Government has at length been brought to a realization of the danger threatening, and that the next Legislative Assembly will put a limit to Chinese immigration to the Hawaiian Islands.

Meantime, I am informed by the minister of foreign affairs, the Hawaiian consul-general at Hong-Kong has been instructed to discourage the further immigration of Chinese to these islands, and the Hawaiian minister at Washington has been authorized to apprise you of the fact.

I am, &c.,

ROLLIN M. DAGGETT.

No. 333.

Mr. Daggett to Mr. Frelinghuysen.

No. 66.] LEGATION OF THE UNITED STATES,
Honolulu, April 9, 1883. (Received April 27.)

SIR: In continuance of the subject of my dispatch of the 8th instant (No. 64), relating to Chinese immigration to this Kingdom, I have the honor to inform you that I have this day received a communication from His Majesty's minister of foreign affairs, covering a resolution by the Cabinet protesting against and authorizing measures to prevent a further excessive immigration of Chinese males to these islands. I inclose herewith copies of both.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure in No. 66.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, April 9, 1883.

SIR: In view of the large and unexpected arrival of Chinese males per steamers Oceanic and Glenelg, and the assurance received that larger numbers are on the way, His Majesty's Government, taking the matter into earnest consideration, and fully appreciating that the incoming of such large bodies of men, for the reception of which the country is not yet adequately prepared, would be injurious to the state, have passed the resolution in the Cabinet of which I now have the honor to hand you the annexed copy. I have deemed it proper to communicate this resolution to the representatives of friendly powers, as an indication of the policy which this Government intends to pursue in this matter, acting under the authority of Cap. XX of the session laws of 1878.

I am, &c.,

WALTER M. GIBSON.

RESOLUTION.

Whereas, there is now in the population of the Kingdom an injurious disproportion of the sexes, amounting to about 20,000 more males than females in a population of about 70,000; and

Whereas, by the steamers Oceanic and Glenelg, over one thousand more Chinese males have arrived; and

Whereas, the Government has assurance that about six thousand more Chinese males are about to emigrate from the British colony of Hong-Kong to this Kingdom:

Resolved, That the minister of foreign affairs be authorized to notify the authorities of Hong Kong, through our consul-general at that port, and to notify other authorities that His Majesty's Government protests against this excessive emigration to this Kingdom, of men alone, and will take steps to prevent its introduction.

No. 334.

Mr. Frelinghuysen to Mr. Daggett.

No. 22.] DEPARTMENT OF STATE,
Washington, April 25, 1883.

SIR: I transmit herewith the inclosed copy of a letter from Mr. Mosby, consul at Hong-Kong, of the 7th ultimo, to the collector of customs at San Francisco, stating that large shipments of sugar are being made from Chinese ports to Honolulu for the purpose, as the consul apprehends, of being smuggled into the United States duty free.

You will give the subject full and attentive investigation, reporting hither promptly such facts as you may be able to learn with reference to the statements reported by Consul Mosby touching the vessels named laden with sugar for Honolulu.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Mosby to Collector Sullivan.

UNITED STATES CONSULATE,
Hong-Kong, March 7, 1883.

SIR: The English steamer Glenelg cleared from this port for Honolulu a few days ago with 800 tons of sugar. I think it probable that an attempt will be made to enter this sugar as Honolulu sugar, free of duty, at San Francisco. I learn, also, that the steamship Madras and steamship C. T. Hook will leave soon for Honolulu, loaded with sugar. I think the United States consul there should be advised of these facts, in order that he may detect any attempt to smuggle this sugar into the United States duty free.

I have, &c.,

JOHN S. MOSBY,
United States Consul.

No. 335.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 68.] LEGATION OF THE UNITED STATES,
Honolulu, May 7, 1883. (Received May 25.)

SIR: I have the honor to inclose herewith an official statement of the appropriations and expenditures of the Hawaiian Government for the year ending March 31, 1883, embracing a comparative exhibit of the receipts of the year preceding, together with the amounts appropriated by the Legislative Assembly for the several departments for the two years ending March 31, 1883, and the proportion expended during the first year of that biennial period.

Following is a recapitulation of the amounts appropriated for the support of the several departments for the two years ending March 31,

not Hellenic subjects, and the Hellenes claim that these Greeks are oppressed by being subjected to Bulgarian laws and placed under Bulgarian influences. Certainly in some cases the Greeks have been badly treated. Schools, for instance, have been closed which they had the right to keep open. These difficulties, however, are gradually growing less. Personally the prince has made a favorable impression on the King and on the leading Greek statesmen, and it is therefore to be believed that his visit will have good results. This is also the opinion of the semi-official press, though some more ardent newspapers think it impossible to come to any *modus vivendi* with the Bulgarians unless they entirely yield to the Greek demands.

I have, &c.,

EUGENE SCHUYLER.

No. 321.

Mr. Schuyler to Mr. Frelinghuysen.

No. 29.] LEGATION OF THE UNITED STATES.
Athens, May 17, 1883. (Received June 4.)

SIR: Referring to my dispatch No. 8, dated February 10, 1883, on the subject of the prohibition of the importation of American pork into Greece, I have the honor to inform you that I yesterday had a conversation on the subject with Mr. Tricoupis, the president of the council of ministers. He stated to me that, in consequence of my previous representation, a circular had been issued to all the representatives of the Greek Government in Europe, requesting them to ascertain exactly the action of the Governments to which they are accredited on the subject; and that a telegram had also been sent to the consul-general of Greece at New York, requesting an exact report on the health of American swine and the quality of American pork and lard. He thought that answers would soon be received, and that within a month the Hellenic Government would be sufficiently well informed to be able to take action in the matter.

I have, &c.,

EUGENE SCHUYLER.

No. 322.

Mr. Davis to Mr. Schuyler.

[Extract.]

No. 33.] DEPARTMENT OF STATE,
Washington, May 28, 1883.

SIR: In a dispatch from Berlin, dated the 4th instant, Mr. Sargent remarks as follows:

> The London Times correspondent on the 1st instant says:
> Imitating the action of the German federal council, the Greek Government has, from sanitary considerations, forbidden the importation of all sorts of American pig flesh.

* * * * * * *

Information of this action of the Government of Greece was duly conveyed in your No. 8 (Greek diplomatic series), of February 10 last,

and of your conversation at the time with the minister of foreign affairs.

* * * * * * *

Aside from the assurance of Mr. Botassi, the Greek consul-general at New York, that the reports about diseases of swine, &c., in America, had been greatly exaggerated, a modification of the circular might well be asked upon the consideration which the subject has received in other directions.

Thorough scientific scrutiny and extensive observation at different periods, and by various earnest and competent individuals, have failed to establish that American pork is oftener or more fully impregnated than that coming from other regions, or that the serious maladies which the consumption of the diseased hog flesh may occasion are, as a fact, prevalent in any country; and when the immense pork products of this country which have annually been distributed and consumed is considered, this conspicuous freedom from the dreaded disease should itself relieve the United States from these unjust and unwarrantable charges.

This Government will yield to no other in the sincere intention of treating the public health as of paramount concern, and it would be the first to sacrifice any commercial interest fairly shown to be detrimental to the general individual comfort. In this spirit the Department, upon the first agitation of the subject, dispatched a skilled officer to the principal raising and packing districts here to obtain, for its guidance, a careful and candid investigation of the subject. His conclusions, which you will find in the inclosed pamphlets,* strongly developed the purity of this class of exports and confirmed the previous justifiable opinion that all contrary assertions were exaggerated and without sufficient foundation.

The further inspections which have occurred abroad have all tended to the same conclusion, and have exhibited a unanimity in this, that pork can safely be used if cooked, even when in rare instances containing trichinæ, and that its noxious effects have only been observed among those who consume it in the raw state. As to the cholera, which has served to create such marked apprehension abroad, it is well ascertained that this disease attacks mostly the young swine (here known as "pigs") whose flesh can never be utilized by the packers, and that whenever its victim is a mature swine, here known as "hog," the decomposition is so speedy as to render it impossible to treat it for any commercial use whatever.

In the face of these considerations, this Government does not expect a persistent adherence to the prohibitory policy which has already injured our trade and depreciated our products, and it cannot observe without earnest protest the announcement, at this late stage, of the determination of any Government to enter upon the policy which has so unjustly affected a legitimate and valuable trade.

It is not to be overlooked that, so far as Greece is concerned, the direct importation, at least, of American pork is very insignificant; that it is not understood that a single instance of disease from its use has been noted there, and therefore the present acceptance by that Government of the policy which has already borne hard upon the commerce of our citizens with other countries would groundlessly throw the weight of her influence in favor of a harsh and unjust discrimination against American commerce.

* House Ex. Doc. 209, Forty-seventh Congress, first session, page 179.

It is hoped that you will take early occasion to endeavor to obtain from the minister a recession of the objectionable restrictions, informing him of the uncordial attitude to an American interest which the present position of Greece necessarily presents.

* * * * * * *

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 323.

Mr. Schuyler to Mr. Frelinghuysen.

No. 31.] LEGATION OF THE UNITED STATES,
Athens, July 25, 1883. (Received August 18.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 33, dated May 28, with reference to the prohibition by the Greek Government of American pork. I have not failed to give this subject my earnest attention, but I have not yet obtained the exact replies to the circulars sent out by the Greek Government, as mentioned in my dispatch No. 29, dated May 17.

I do not despair of obtaining a modification of the order in question. It must be observed, however, that southern peoples are very susceptible to anything that concerns public health, and although almost no pork is imported into Greece from any country, yet the fact that such importation has been prohibited or restricted in other countries would be a sufficient reason in the minds of many for a similar restriction here without the necessity of suggestions from outside to that effect. This susceptibility may be particularly observed now, when a quarantine of twenty-one days has been imposed on account of the cholera in Egypt. As the quarantine in Turkey on similar vessels is only ten days, it is proposed to impose a quarantine of eleven days on all vessels coming from Constantinople.

In the mean time I respectfully ask you to inform me briefly as to the status of American pork *in all the other countries of Europe*, whether freely admitted, with restrictions, or entirely prohibited. I have some general knowledge of the subject, but do not know positively the present state of the case, except as regards Germany and Austria.

I shall also be glad to receive several more copies of the pamphlet entitled "American Pork," inclosed in your No. 33. If there is a translation in French it would be more useful for distribution.

As concerns the prohibition of pork in Roumania, of which I informed you by my dispatch No. 86, dated September 22, 1881, the case is different, and I do not consider it possible to obtain any modification whatever. The fact is that the sanitary and veterinary regulations between Austria-Hungary and Roumania are very severe and are enforced on the part of the Hungarian Government with great vigor on very slight pretexts. Roumania exports pigs and pork, and does not generally import them, and unless it maintain the restrictions against the pig products of other countries its exportation to Austria-Hungary will be forbidden.

I have, &c.,

EUGENE SCHUYLER.

No. 324.

Mr. Frelinghuysen to Mr. Schuyler.

No. 5.] DEPARTMENT OF STATE,
Washington, September 18, 1883.

SIR: Acknowledging the receipt of your No. 31 (Greek diplomatic series), of the 25th July, I have to say that several copies of the pamphlet to which you refer, viz, "American Pork, &c., 1881," published by this Department, will be sent you at once, under separate cover. This pamphlet was translated into French in 1881, at the American legation, Paris; and I trust that on written application to Minister Morton you may be able to procure a copy.

In response to your query as to the present status of the admission of American pork at European ports, I refer you to House Executive Document No. 209, Forty-seventh Congress, first session; and have to add that according to No. 333 (April 13, 1883) of Mr. Morton, the French exclusion of American pork (owing to the pressure of certain French packers, evidently) is still maintained. According to No. 41 of Mr. Heap (August 10, 1881), Turkey was at that time still disinclined to remove the prohibition there declared; and it seems that we have no later advices from Constantinople on the subject. A like attitude was maintained by Portugal as late as July 25, 1881, since which period the Department appears to be without further information in this regard.

The attitude of Switzerland, as respects the introduction there of our pork product, is no less intelligent than that of Belgium. (See pamphlet.) The latest report on the subject seems to be contained in dispatch No. 420 of Mr. Fish, dated July 15, 1881. It appears by No. 40 of Mr. Foster, of July 23 last, that Spain has not prohibited the importation of American pork, as reported, but has only ordered inspection. It is apparent from dispatch No. 106, of April 30, 1881, of our minister at Stockholm, and from No. 15, of April 28 last, of our diplomatic representative at Copenhagen, that our pork trade with Denmark and with Sweden and Norway will not easily be interrupted, and it is, doubtless, safe to say that our trade in pork with countries of Europe, aside from those named above (some of which exclude our pork and some of which do not), and Roumania, will continue as heretofore.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 325.

Mr. Schuyler to Mr. Frelinghuysen.

[Extract.]

No. 42.] LEGATION OF THE UNITED STATES,
Athens, October 19, 1883. (Received November 7.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 5, dated September 18, 1883, relative to the present status of the admission of American pork at European ports, as also of nine copies of the pamphlet on American pork, six copies of a French translation of the same through the American legation at Paris, and a copy of

House Executive Document No. 209, Forty-seventh Congress, first session.

Referring to my dispatches No. 8, dated February 10, No. 29, dated May 7, and No. 31, dated July 25, I have further to report my action on the subject.

About April 20, after Mr. Tricoupis had given up the foreign office and Mr. Contostavlo had been appointed minister of foreign affairs, I received a circular on the importation of pork, dated April 7 (19), of which I inclose a copy and a translation. I immediately went to see Mr. Contostavlo, and expressed my regret that an additional circular should be issued, when the question of the prohibition of pork was under discussion between the two Governments in consequence of the circular of January 11. He professed his entire ignorance of the matter, as he had just entered office, and promised inquiry.

* * * * * * *

As the result of several consultations with the prime minister, the minister of foreign affairs, and the minister of the interior, the question was twice sent back to the medical council, and on each occasion this body, composed of three physicians practicing in Athens, at the head of which is Dr. Soutsos, the chief medical officer of the army, refused to rescind the action which it had already taken. The reason given was that the importation of pork had been prohibited in France, and as a southern people like the Greek was especially susceptible to anything which bore upon the health of the population, the medical council had considered it necessary to follow this precedent. * * *

When the medical council had twice refused to revise their action, I considered it my duty to bring to the notice of the authorities the fact that their action in the case was contrary to the provisions of Article VIII, of our treaty with Greece of 1837. Mr. Contostavlo said offhand that sanitary considerations took precedence of all others. I replied that this could only be the case where they were mentioned in the treaty; that there was often a provision in treaties that prohibitions applying to a single country might be made where sanitary measures warranted it; but that without such a provision I could not admit its propriety, especially as in the treaty of 1837, the article about quarantine (Article XV) showed that sanitary questions had been considered by the negotiators. * * *

After receiving your dispatch No. 5, dated September 18, I addressed to Mr. Contostavlo a note on the subject, dated October 17, a copy of which I herewith inclose, marked 3, and of which I trust that you will approve.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure 1 in No. 42.—Translation.]

Circular of the minister of foreign affairs.

MINISTRY OF FOREIGN AFFAIRS,
Athens, April 7 (19), 1883.

The minister of foreign affairs has the honor to inform the legation of the United States of America that, upon the advice of the medical council of Athens, the department of the interior has just forbidden the import into Greece of hams, sausages, lard, and other pork products coming from America, because of the trichinosis with which pigs in that country are attacked.

The import of similar products coming from other countries will only be allowed on a certificate from the sanitary authorities of the country, certified to by the competent Hellenic consul, stating that the above malady does not exist in the country from which these products come.

Mr. Contostavlo has, &c.

[Inclosure 2 in No. 42.]

Mr. Schuyler to Mr. Contostavlo.

LEGATION OF THE UNITED STATES,
Athens, October 5 (17), 1883.

Mr. MINISTER: After the conversation which I had the honor to have with your excellency on the subject of the prohibition, by the Hellenic Government, of hams, sausages, lard, and other products of pork imported from the United States, I had hoped that the medical council would revise its decision. I thank you sincerely for having on two different occasions called the attention of the medical council to this subject, and I greatly regret that it has seen fit to maintain its former decision.

The council has apparently not taken into consideration the statements with regard to the manufacture of pork and proving the absence of disease in the United States, as set forth in the official report, of which I had the honor to give you a copy, and of which I now inclose three copies in a French translation. It would appear, too, from what your excellency told me, that the medical council has not examined this question for itself nor has even ever seen and inspected pork products of American origin, but has based its decision upon the action of certain other Governments, which, in order to encourage the production of salt pork at home, have, under the pretext of sanitary measures, prohibited its importation from the United States. As you are aware, Mr. Minister, not all Governments have taken the same course of action, and I may cite especially Great Britain and Belgium, in which countries American pork is largely consumed without injurious effect upon the health of the population. This deference on the part of the medical council to the action of certain other Governments is the more astonishing, as I am informed that the Hellenic consul-general at New York has officially reported that the accounts of disease among American hogs have been greatly exaggerated, yet no consideration seems to be given to his statements, and American pork is absolutely prohibited, while pork is allowed to be imported from other countries on the consul's certificate.

The medical council has apparently overlooked the fact that the difference of treatment which it establishes for the importation of pork is in direct contravention of Article VIII of the treaty between the United States and Greece of December 10–22, 1837. This article provides that there shall not be established in Greece on the products of the soil or of the industry of the United States any prohibition or restriction of importation unless such prohibition or restriction be also established upon articles of like nature coming from other countries.

As I am sure that His Majesty's Government has no intention of even seeming in any way to act contrary to the provisions of the treaty, I have no doubt that your excellency will at once call the attention of the medical council to this point, and provide that the pork products of the United States receive the same treatment as similar products of other countries.

I seize, &c.,

EUGENE SCHUYLER.

HAWAIIAN ISLANDS.

No. 326.

Mr. Frelinghuysen to Mr. Daggett.

No. 14.] DEPARTMENT OF STATE,
Washington, December 13, 1882.

SIR: Representations have recently been made to the Department to the effect that Chinese sugar is taken to the Hawaiian Islands and exported thence to the United States as the produce of those islands,

I have reason to believe that the Government has at length been brought to a realization of the danger threatening, and that the next Legislative Assembly will put a limit to Chinese immigration to the Hawaiian Islands.

Meantime, I am informed by the minister of foreign affairs, the Hawaiian consul-general at Hong-Kong has been instructed to discourage the further immigration of Chinese to these islands, and the Hawaiian minister at Washington has been authorized to apprise you of the fact.

I am, &c.,

ROLLIN M. DAGGETT.

No. 333.

Mr. Daggett to Mr. Frelinghuysen.

No. 66.] LEGATION OF THE UNITED STATES,
Honolulu, April 9, 1883. (Received April 27.)

SIR: In continuance of the subject of my dispatch of the 8th instant (No. 64), relating to Chinese immigration to this Kingdom, I have the honor to inform you that I have this day received a communication from His Majesty's minister of foreign affairs, covering a resolution by the Cabinet protesting against and authorizing measures to prevent a further excessive immigration of Chinese males to these islands. I inclose herewith copies of both.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure in No. 66.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, April 9, 1883.

SIR: In view of the large and unexpected arrival of Chinese males per steamers Oceanic and Glenelg, and the assurance received that larger numbers are on the way, His Majesty's Government, taking the matter into earnest consideration, and fully appreciating that the incoming of such large bodies of men, for the reception of which the country is not yet adequately prepared, would be injurious to the state, have passed the resolution in the Cabinet of which I now have the honor to hand you the annexed copy. I have deemed it proper to communicate this resolution to the representatives of friendly powers, as an indication of the policy which this Government intends to pursue in this matter, acting under the authority of Cap. XX of the session laws of 1878.

I am, &c.,

WALTER M. GIBSON.

RESOLUTION.

Whereas, there is now in the population of the Kingdom an injurious disproportion of the sexes, amounting to about 20,000 more males than females in a population of about 70,000; and

Whereas, by the steamers Oceanic and Glenelg, over one thousand more Chinese males have arrived; and

Whereas, the Government has assurance that about six thousand more Chinese males are about to emigrate from the British colony of Hong-Kong to this Kingdom:

Resolved, That the minister of foreign affairs be authorized to notify the authorities of Hong Kong, through our consul-general at that port, and to notify other authorities that His Majesty's Government protests against this excessive emigration to this Kingdom, of men alone, and will take steps to prevent its introduction.

No. 334.

Mr. Frelinghuysen to Mr. Daggett.

No. 22.] DEPARTMENT OF STATE,
Washington, April 25, 1883.

SIR: I transmit herewith the inclosed copy of a letter from Mr. Mosby, consul at Hong-Kong, of the 7th ultimo, to the collector of customs at San Francisco, stating that large shipments of sugar are being made from Chinese ports to Honolulu for the purpose, as the consul apprehends, of being smuggled into the United States duty free.

You will give the subject full and attentive investigation, reporting hither promptly such facts as you may be able to learn with reference to the statements reported by Consul Mosby touching the vessels named laden with sugar for Honolulu.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Mosby to Collector Sullivan.

UNITED STATES CONSULATE,
Hong-Kong, March 7, 1883.

SIR: The English steamer Glenelg cleared from this port for Honolulu a few days ago with 800 tons of sugar. I think it probable that an attempt will be made to enter this sugar as Honolulu sugar, free of duty, at San Francisco. I learn, also, that the steamship Madras and steamship C. T. Hook will leave soon for Honolulu, loaded with sugar. I think the United States consul there should be advised of these facts, in order that he may detect any attempt to smuggle this sugar into the United States duty free.

I have, &c.,

JOHN S. MOSBY,
United States Consul.

No. 335.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 68.] LEGATION OF THE UNITED STATES,
Honolulu, May 7, 1883. (Received May 25.)

SIR: I have the honor to inclose herewith an official statement of the appropriations and expenditures of the Hawaiian Government for the year ending March 31, 1883, embracing a comparative exhibit of the receipts of the year preceding, together with the amounts appropriated by the Legislative Assembly for the several departments for the two years ending March 31, 1883, and the proportion expended during the first year of that biennial period.

Following is a recapitulation of the amounts appropriated for the support of the several departments for the two years ending March 31,

1884, and the amounts expended during the first half of that period, ending March 31, 1883:

Departments.	Appropriated.	Expended.
Civil list	$148,500 00	$86,581 00
Permanent settlements	21,800 00	9,319 00
Judiciary department	122,125 00	51,359 00
Legislative department	25,300 00	24,791 77
Foreign affairs	257,766 00	149,312 22
Education	120,520 00	34,913 56
Interior department	1,938,194 03	761,708 99
Attorney-general	319,500 00	114,505 26
Sundries	10,000 00	13,578 94
Finance department	350,380 00	135,462 23
Total	3,316,015 03	1,385,531 97

These large appropriations, especially for the interior department, were made in anticipation of the sale of $2,000,000 in bonds authorized by the last Legislative Assembly, the major part to be devoted to internal improvements, but as none of these bonds have yet been sold, the expenditures of the interior department, based to some extent upon this expected source of supply, have considerably exceeded the current legitimate revenue. Nor is any assurance offered that these bonds can be sold. Although the act authorizing their issue was approved more than nine months ago, and strenuous efforts have been made to dispose of a portion of them, not a dollar of the loan has yet been taken. These bonds bear interest at the rate of 6 per cent. per annum, and must be sold at par. Under the circumstances, to meet the extraordinary expenses of the year, 9 per cent. bonds to the amount of $201,900 were sold under an act of 1876, which should have been repealed when the new loan was authorized.

Heavy outlays in the interior department, together with an expenditure of $50,000 or more in the foreign department in the payment of coronation expenses, have carried the expenditures of the year $238,731.76 above the ordinary receipts. The actual receipts of the year, independent of the sales of bonds (amounting to $201,900), were $1,146,800.21, while the expenditures were $1,385,531.97.

This showing cannot be regarded as satisfactory, and a very marked curtailment of expenses will be required to bring the expenditures within the receipts for the second half of the biennial period. In a friendly spirit, I have conferred with members of the ministry on this subject, and have reason to believe that a retrenchment in expenses will be attempted.

* * * * * * *

I am, &c.,

ROLLIN M. DAGGETT.

No. 336.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 73.] LEGATION OF THE UNITED STATES,
Honolulu, May 18, 1883. (Received June 4.)

SIR: Referring to your dispatch of April 25, 1883 (No. 22), covering the copy of a letter from Mr. Mosby, United States consul at Hong-Kong, to the collector of customs at San Francisco, stating that large

shipments of sugar are being made from Chinese ports to Honolulu for the purpose, as the consul apprehends, of smuggling such sugars into the United States duty free, and especially naming the English steamers Glenelg, Madras, and C. T. Hook as vessels likely to be employed in these shipments; and also referring to your instructions to this legation to give the subject full, attentive and prompt investigation, I have the honor to report as follows:

The English steamer Glenelg arrived at Honolulu from Hong-Kong on the 29th day of March last, and cleared hence for Victoria, British Columbia, on April 24. She brought 470 Chinese passengers, and freights for Honolulu, San Francisco, and Victoria, British Columbia. She was placed in quarantine for fourteen days, after which she was permitted to enter the harbor and discharge such freights as were consigned to this port. Her manifest shows that no sugar was embraced in her freights for these islands, and I am thoroughly satisfied that no sugar was illicitly landed from the Glenelg.

In substantiation of this opinion I inclose herewith a sworn statement from Mr. P. C. Jones, jr., of the house of C. Brewer & Co., the consignees of the Glenelg, giving a brief account of the arrival and departure of the vessel, with the averment that "she had no sugar on her Honolulu manifest, and none was landed at this port."

I also inclose a statement from Mr. Allen, collector-general of the Hawaiian Kingdom, affirming that no sugars were landed here from the Glenelg. * * *

I also inclose sworn statements of Mr. Morrill, port surveyor, and of Mr. Collins, one of the customs guards of the port of Honolulu, who remained on board continuously from the day of the arrival until the day of the departure of the Glenelg, and both certify under oath that nothing was landed from the vessel without a permit.

The English steamer Madras arrived on the 10th of April last from Hong-Kong with 750 Chinese passengers and a small quantity of freight for Honolulu, and Victoria, British Columbia. As small-pox was among the passengers, the Madras was quarantined, and still remains in quarantine outside the harbor, under the strictest regulations. She has no sugar as freight. I inclose the sworn statement of Mr. Davies, of the house to which the vessel was consigned, in verification of this statement.

The C. T. Hook has not yet arrived.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 73.]

Statement of Mr. Jones.

I, P. C. Jones, jr., president and manager of the house of C. Brewer & Co., of Honolulu, Oahu, H. I., do hereby certify under oath that on or about the 29th day of March, 1883, the English steamship Glenelg, Captain Speechly, arrived at this port from Hong-Kong, China, consigned to our house, having on board about 470 Chinese passengers; also a lot of assorted Chinese merchandise for this port, besides other cargo for Victoria, British Columbia, and San Francisco, Cal., to which ports she was also bound. Captain Speechly presented three manifests, one for the Honolulu freight, one for Victoria, and one for San Francisco.

On her arrival at this port she was placed under quarantine, which was strictly observed night and day for a period of fourteen days, during all which time she was anchored in the harbor, having on board a custom-house guard.

After the expiration of the quarantine the vessel was hauled into the wharf, where she discharged her cargo for this port, only occupying three days, during which time, in addition to the custom-house guard, our own clerk was constantly on the wharf to receive and deliver the goods to the various consignees. As soon as the Hawaiian freight was discharged she again hauled into the stream, where she remained until she sailed for Victoria, which was on or about the 26th day of April, 1883.

She had no sugar on her Honolulu manifest, and none was landed at this port: but she had a quantity of China sugar on one of the other manifests, and it was all taken away in the vessel to Victoria, B. C.

P. C. JONES, JR.

UNITED STATES CONSULATE,
Honolulu, May 16, 1883.

Subscribed and sworn to before me this 16th day of May, 1883, and I, the undersigned consul, do hereby certify that P. C. Jones, jr., is well and personally known to me as an American merchant at this port, of high standing, and that the foregoing statements made and subscribed to by him are worthy of full faith and credence.

D. A. MCKINLEY,
United States Consul.

[Inclosure 2 in No 73.]

Statement of Mr. Allen.

COLLECTOR-GENERAL'S OFFICE,
Honolulu, Hawaiian Islands, May 17, 1883.

I, William F. Allen, collector-general of customs for the Hawaiian Kingdom, do hereby certify that the British steamer Glenelg, John Speechly master, from Hong-Kong via Nagasaki, entered at this port on the 29th of March last, and cleared for Victoria, British Columbia, on the 24th of April last; that the accompanying is a correct copy of the manifest* of said steamer now on file in this office; that these goods and none others were duly entered and landed at this port; that the steamer had goods on board for the ports of Victoria, British Columbia, and San Francisco, none of which were landed at this port; that the value of the goods landed was $4,792.78.

Witness my hand and official seal this 17th day of May, 1883.

[SEAL.]

W. F. ALLEN,
Collector-General.

[Inclosure 3 in No. 73.]

Statement of Mr. Morrill.

COLLECTOR-GENERAL'S OFFICE,
Honolulu, Hawaiian Islands, May 17, 1883.

I, Joseph R. Morrill, port surveyor and guard of the port of Honolulu, island of Oahu, Hawaiian Islands, do hereby certify that the British steamer Glenelg, John Speechly, master, from Hong-Kong via Nagasaki, discharged cargo at this port between March 29, the date of her entry, and April 24, 1883, the date of her clearance; that I examined a large portion of the goods discharged and was satisfied that nothing but the goods permitted was landed; that as long as the steamer was in port I had one officer of the customs guard on board, and two others watching the steamer each night.

JAS. R. MORRILL,
Port Surveyor.

UNITED STATES CONSULATE,
Honolulu, May 17, 1883.

Sworn to and subscribed before me this 17th day of May, 1883, and I, the undersigned consul, do hereby certify that J. R. Morrill, port surveyor, is well and personally known to me; that he is a credible person, and that the statements made in the foregoing certificate are worthy of full faith and credence.

D. A. MCKINLEY,
United States Consul.

---

* Manifest here omitted.

[Inclosure 4 in No. 73.]

Statement of Mr. Collins.

COLLECTOR-GENERAL'S OFFICE,
Honolulu, H. I., May 17, 1883.

I, Douglas Collins, one of the customs guard of the port of Honolulu, island of Oahu, Hawaiian Islands, do hereby certify that I was placed on board the British steamer Glenelg, John Speechly, master, from Hong-Kong via Nagasaki, by the port surveyor on the 29th day of March last, and remained on board until the day the steamer sailed from this port; that I received all permits to discharge cargo issued by the collector-general, and checked the goods by the permits as they were landed; that nothing was landed other than what was covered by the permits now on file in the port surveyor's office.

DOUGLAS COLLINS,
Custom-House Guard.

UNITED STATES CONSULATE,
Honolulu, May 17, 1883.

Subscribed and sworn to before me this 17th day of May, 1883, and I, the undersigned consul, do hereby certify that the said Douglas Collins is personally known to me; that he is a credible person, and that the statement hereinbefore made is worthy of full faith and credence.

D. A. McKINLEY,
United States Consul.

[Inclosure 5 in No. 73.]

Statement of Mr. Davies.

HONOLULU, *May* 17, 1883.

Know all men by these presents:

That I, Theo. H. Davies, of the firm of Theo. H. Davies & Co., of Honolulu, do declare that the British steamer Madras arrived at this port of Honolulu from Hong-Kong, on the 10th day of April, 1883, with about 750 Chinese passengers, and a small quantity of freight bound for the ports of Honolulu and Victoria, British Columbia.

That the said firm of Theo. H. Davies & Co. are agents at this port for said steamship.

That there is no sugar whatever reported on either manifest.

That the master positively declared to me that he had no sugar in his cargo for Victoria or any other port.

That no sugar or other cargo has been landed from the Madras at Honolulu; and

That I am satisfied that the Madras brought no sugar from Hong-Kong, except what was included in ordinary stores for ship's use.

THEO. H. DAVIES.

UNITED STATES CONSULATE,
Honolulu, H. I., May 17, 1883.

Sworn to and subscribed this 17th day of May, 1883, before me, and I, the undersigned consul, do hereby certify that Theo. H. Davies, whose name is subscribed to the foregoing statement, is a merchant of high standing at this port; that he is the British vice-consul at this port, and well and personally known to me; and that the foregoing statement is worthy of full faith and credence.

D. A. McKINLEY,
United States Consul.

No. 337.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 78.] LEGATION OF THE UNITED STATES,
Honolulu, June 8, 1883. (Received July 16.)

SIR: As an inclosure from the Department of State, I have the honor to acknowledge the receipt of a copy of a letter addressed to you by the honorable Secretary of the Treasury, dated May 1, 1883, together

with a copy of a letter to the Treasury Department from the collector of customs at San Francisco, dated April 9, 1883, both referring to probable shipments of Chinese raw sugars to these islands, and thence to the United States, as Hawaiian sugars entitled to free entry.

I beg to refer to my dispatch of March 5, 1883 (No. 56), embracing a general report upon the subject. After a very thorough investigation I was able to report that during the year 1882 but four vessels from Chinese ports were entered at Hawaiian ports, and from none of them were sugars discharged. I also sought to show that illicit shipments and reshipments of Chinese sugars, for the purpose of securing for them free entry into the United States, would not be profitable, would scarcely be possible, and in reality had not been made.

Concerning the information of the United States consul at Hong-Kong * * * that the Glenelg, Madras, C. T. Hook and other vessels were about to depart from that port with cargoes of raw sugars, which he apprehended might be landed upon these islands, I refer to my dispatch of May 18, 1883 (No. 73). The Glenelg, which was cleared for Victoria, British Columbia, discharged no sugars here; the Madras brought no sugars as cargo, and is still here, having been in strict quarantine for nearly sixty days; and the C. T. Hook has not arrived nor is it certain that she will arrive, since the principal purpose of the proposed voyage, as of the Glenelg and Madras, was the transportation hither of Chinese laborers, against which the Hawaiian Government has formally protested.

But three vessels have touched here from Chinese ports since the beginning of the year: the Glenelg March 29, the Madras April 10, and the Livingstone May 8. From none of them have sugars been discharged in any port of these islands, either illicitly or by payment of duty.

In answer to the inquiry of the honorable Secretary of the Treasury relating to the duties imposed on imported sugars by the Hawaiian Government, I beg to say that a specific duty of 2½ cents per pound is imposed on all imported raw sugars, and on refined sugars an ad valorem duty of 10 per cent. is collected. This duty of 2½ cents per pound on raw sugars was laid expressly to prevent the importation of raw sugars from China and elsewhere, and their manipulation and reshipment to the United States. The law was intended to be prohibitory, and such it has proved to be, since no shipment has ever been made under it.

No raw sugars were imported into these islands in 1882, but of refined sugars 201,284 pounds were during that perion imported for domestic consumption, all of it from the United States.

Agreeably to the request of the honorable Secretary of the Treasury, I transmit a copy of this dispatch to the collector of customs at San Francisco, for the use of the Treasury commission in session there.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[The following are the inclosures mentioned by Mr. Daggett in the above dispatch.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
May 1, 1883. (Received May 3.)

SIR: I have the honor to inclose herewith a copy of a letter, dated the 19th ultimo, from the collector of customs at San Francisco, Cal., in which he states that he has been advised by the United States consul at Hong-Kong of the shipment from

that port for Honolulu, Hawaiian Islands, of several cargoes of sugar, and the consul expresses fear that such sugar may be intended for transshipment for the United States as the products of the Hawaiian Islands. The collector of customs at San Francisco is alive to the importance of preventing any such fraud, if intended, upon the revenue of the United States. I will thank you, however, to correspond with our minister at those islands, and ascertain whether at the present time the Hawaiian Government imposes a duty upon imported sugars, and, if so, at what rate; also to report the arrival of any of the cargoes of sugars referred to if they shall arrive at any ports of those islands, and whether it has been the custom since the treaty went into effect to import sugars into the Sandwich Islands for consumption there, and so release an equal portion of the products of those islands for shipment to this country.

A commission which I have appointed is shortly to proceed to San Francisco to investigate charges made during the last Congress that under the treaty with the Hawaiian Islands sugars have been imported free of duty which were not fairly covered by the terms of the treaty. It may be well, therefore, when making any report to your Department on the subject, that our minister send a copy of it direct to the collector of customs at San Francisco, for the use of such commission.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Collector Sullivan to Mr. Folger.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, April 19, 1883.

SIR: A letter has been received at this office from the United States consul at Hong-Kong advising of the shipment of several cargoes of sugar from that port to Honolulu, Sandwich Islands, and expressing a fear that it may be intended to transship said sugar there for the United States and attempt to obtain free entry thereof at this port as the product of the Hawaiian Islands.

I have taken proper precautions to prevent any such possible attempt from being successful, and have forwarded a copy of Consul Mosby's letter to the United States consul at Honolulu.

The Department is thus advised in order that instructions may be sent to the latter by the Department of State if deemed necessary.

I am, &c.,

C. L. SULLIVAN,
Collector.

No. 338.

Mr. Frelinghuysen to Mr. Daggett.

No. 28.] DEPARTMENT OF STATE,
Washington, June 16, 1883.

SIR: I have to acknowledge the receipt of your No. 73 of the 18th ultimo, touching the supposed shipments of sugar from China to the Hawaiian Islands, and thence to the United States, duty free. I desire to compliment and to thank you for the very full and ample report which you have submitted upon the subject.

A copy of your dispatch has been communicated to Mr. Consul Mosby at Hong-Kong, and copies of the entire correspondence sent to the Secretary of the Treasury, for his information.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

There are 81 sugar plantations on the islands, 54 of which mill their own cane, and 8 custom sugar mills. Of these plantations and mills 39 are on Hawaii, 21 on Maui, 18 on Kauai, 8 on Oahu, and 3 on Molokai. Very few of these plantations are isolated. As a rule they are grouped in districts favorable to cane growing, where a common port or inlet, at greater or less distance, serves them all.

As steamers and sailing vessels are constantly plying at short intervals between these sugar-producing islands and Honolulu and other ports of shipment, and as no vessel large enough to be of service could enter any of these ports or inlets and in broad daylight take in or discharge in lighters or barges a cargo of sugar, or any considerable portion of it unobserved, it follows that the illicit landing of sugars undetected could be accomplished only through a widespread conspiracy of the planters, a presumption which I cannot ask you for a moment to entertain.

The second inquiry, "Would it have been profitable to make such shipment and reshipment of Chinese sugars, an evasion of the payment of duty being the sole purpose and consideration?" has already been partially answered in referring to the difficulties of the undertaking; and in this connection permit me to add, (1) that the difference in the strength, granular structure, and general appearance of Chinese and Hawaiian raw sugars is so marked that the former could not be made to pass for the latter under competent and honest inspection without, at least, an equal mingling in quantity of each, and a regranulation of the combination; (2) that the mills necessary to this process are, possibly, with two or three exceptions, from 1 to 5 miles inland; and (3) that the laborers employed in the lightering, hauling and reworking of Chinese sugars could not be kept in ignorance of their character, and their silence would have to be purchased by increased wages or other considerations affecting the profits of the lawless business.

Were it possible, then, to land Chinese sugars undetected in Hawaiian ports in order to evade the light Hawaiian tax of 10 per cent. and our own duty of from 2 to 3 cents per pound, the expenses of handling and working, as follows, would have to be met:

1. Lighterage to the shore, probably at night and under unfavorable circumstances.
2. Loading and transportation inland from 1 to 5 miles.
3. Mixing and working in with Hawaiian sugars.
4. Resacking, reloading, and retransportation to the shore.
5. Lighterage to the vessel.

The expenses of these services would vary somewhat at different ports and under different circumstances, but on the whole it would be under most favorable conditions that the profits would exceed the evaded duties.

In answer to the inquiry, "Have such shipments and reshipments of Chinese sugars really been made?" admitting them to have been both possible and capable of profit, I desire to call your attention to the important fact that the gross sugar product of the Hawaiian Islands in 1882 was not in excess of, but rather below, the estimated average yield of the acreage under sugar cultivation.

According to the latest exhibits, the total area of lands planted in cane on these islands is 39,000 acres. As cane matures here in about eighteen months, the number of acres cropped in 1882 may be placed at 26,000, which yielded a fraction over 57,000 tons of raw sugar, all of which, with the exception of less than .2 tons, was exported to the United States. The average yield per acre, it will thus be seen, was a

to these islands was rescinded, and a resolution adopted instead authorizing the immigration of Chinese laborers, under certain restrictions, at a rate not to exceed 600 in any three months. The reasons of this change are set forth in the correspondence herewith inclosed.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 95.]

Mr. Gibson to Mr. Johnson.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, July 14, 1883.

I have now the honor to inform you that at a meeting of the Cabinet, held yesterday, the resolution of April 9th, communicated to you in my letter of that date, was rescinded and the following passed in its place:

"*Resolved*, That the minister of foreign affairs be authorized to notify the Government of China and the authorities of the British colony of Hong-Kong, that a limited Chinese immigration will be permitted to enter this Kingdom under regulations issued from the foreign office."

It has already been intimated to you that this Government has never been prepared to discountenance a limited immigration of Chinese accompanied by a proportion of females. On representations made by the employers of Chinese coolie labor here that the number of Chinese who annually return to China on the expiration of their contracts is very large, and that this year it will probably be much larger than usual, His Majesty's Government has decided it prudent to permit a resumption of immigration, to a limited extent, as in replacement of the number leaving. I have, therefore, acting on the authority of the resolution above recited, the honor to authorize you to grant permission to persons desiring to bring here Chinese passengers, within the limits as to numbers and subject to the other restrictions defined in the separate letter of instructions inclosed with this.

The duration of the régime thus established will necessarily depend on the results of the negotiations now pending between this Government and that of China; also upon the character of the immigration which may actually take place under it, more especially in respect to the number of females, wives and relatives of male immigrants, who may be induced to come here along with them.

In conclusion, I have the honor to request that you will notify the Government of Hong-Kong of the resolution of Cabinet now communicated to you and of the nature of the authority placed in your hands.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

T. BULKLEY JOHNSON, Esq.,
H. H. M.'s Consul-General, Hong-Kong.

[Inclosure 2 in No. 95.]

Mr. Gibson to Mr. Johnson.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, July 14, 1883.

SIR: Referring to my other letter of this date, I have now the honor to authorize you to grant permission from time to time to the captains and owners of steam vessels to carry Chinese passengers from the port of Hong-Kong to these islands, subject to the following conditions, viz:

1. The steamers thus permitted to convey Chinese passengers to this country shall only be those belonging to some established lines, which at present are only the Pacific Mail Steamship Company and the Oriental and Occidental Steamship Company. (The fact that these steamers are always well equipped and provided, and kept in a cleanly

condition, and carry experienced physicians, has led the Government to select them for this service.)

2. The total number of passengers brought here under this supervision shall not exceed 600 in any three months' period.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

T. BULKLEY JOHNSON,
H. H. M.'s Consul-General, Hong-Kong.

[Inclosure 3 in No. 95.]

(*Extract from letter of July* 14, 1883, *to Mr. H. A. P. Carter.*)

I have now to request that you will inform his excellency the Chinese minister of this resolution (Cabinet resolution of 13th), and also of the terms, as hereinafter stated, on which a partial resumption of Chinese immigration will be allowed. Your excellency will also oblige me by explaining to Mr. Cheng Tsao Ju that this resolution indicates no change of policy on the part of this Government. The resolution of April 9 was intended to meet an emergency which appears to be past, and, as our planters are still in need of a certain number of Chinese laborers, mainly to replace those whose terms are expiring and who are in considerable numbers returning to their native land, permission is given to well-established steamship companies, favorably known to the Government for their orderly conduct of the passenger service, for the cleanliness of their ships and for their care as to sanitary regulations, also as always carrying efficient medical officers, whose agents have given assurance to the Government that they are in a position to secure a fair percentage of female immigrants, to bring here the limited number of 600 passengers every three months, pending the progress of the negotiations you have initiated with his excellency for the purpose of securing to us a control of the immigration from China to these islands.

I have by this mail authorized our consul-general at Hong-Kong to grant permission to the Pacific Mail Steamship Company and the Oriental and Occidental Steamship Company (theirs being the only established lines of steamers at present in the trade) to convey Chinese passengers from the port of Hong-Kong to these islands in numbers not exceeding 600 in any three months.

[Inclosure 4 in No. 95.]

Mr. Gibson to Messrs. Hackfeld & Co.

HONOLULU, *August* 18, 1883.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of yesterday's date, in which you ask that the immigration from Japan to these islands may be subjected to the same restrictions in favor of the steamship companies you represent as exist at the present time in regard to Chinese immigrants, and inquire for how long a period the Government will allow these companies to bring Chinese and Japanese passengers to these islands.

In reply to the latter of these inquiries, I beg to say that though, by order of His Majesty's Government, this department has made it known that a limited Chinese immigration will be permitted, the steamers of the Pacific Mail Steamship Company and of the Occidental and Oriental Company have been designated as the only means of conveyance by which Chinese coolies may be brought here, the Government is not in a position to fix any definite time during which such an arrangement shall last. I can, however, give you the assurance that unless some emergency, at present entirely unforeseen, should arise, no change will be made in the arrangements referred to without reasonable warning being given you. So far as I can judge, the permission just granted is likely to remain in force for some time to come if the immigration taking place under it be conducted in the manner and with the discretion which the Government has reason to expect.

In regard to Japanese immigrants, I have to say that this Government has no emigration convention with Japan, and is unable to give you any assurance on the subject. If any passengers should seek this Kingdom from Japanese ports the Government would certainly be glad that they should be brought here by vessels of the class which the Pacific Mail Steamship Company and the Occidental and Oriental Company are running, whose superior accommodation and admirable supervision have led to their being accorded the exclusive privilege of carrying Chinese coolies to this country.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

No. 342.

Mr. Frelinghuysen to Mr. Daggett.

No. 38.] DEPARTMENT OF STATE,
Washington, November 15, 1883.

SIR: I inclose herewith a copy of a communication, dated the 10th instant, from Mr. Edward Lauterbach, the representative in New York of the Pacific Mail Steamship Company, and of the papers accompanying the same.

They present the following assertions:

For several years the Pacific Mail Steamship Company has employed four of its vessels between San Francisco and Australia, which on both outward and homeward trips have stopped at the Sandwich Islands. Their vessels on the China line have also made such stops, as have those of the Occidental and Oriental line of British steamers plying between San Francisco and China. In August last the Hawaiian Government granted to the Pacific Mail Steamship Company the privilege of carrying Chinese emigrant passengers to the Sandwich Islands from China, granting at the same time a like privilege to the Occidental and Oriental Steamship Company, which is organized under the laws of Great Britain, and making the privilege exclusive to these two companies.

In the letter of the minister of foreign affairs, conveying this grant, the assurance is expressly given to the Pacific Mail Steamship Company, that while the Government is not in a position to fix any definite time during which the arrangement shall last, no change will be made without reasonable warning to that company, unless some emergency, not then foreseen, should arise.

This privilege is regarded by the company as of great consequence, as it would probably enable them to continue, even through the dull season, the regular trips of their vessels bearing the United States mail.

But soon after this privilege was granted, Mr. C. Spreckles, of San Francisco, a large owner in the Oceanic Steam Navigation Company recently established between San Francisco and the Hawaiian Islands, informed the Pacific Mail Steamship Company that, unless the demand previously made through him that the calling of the company's Australian steamers at Honolulu be discontinued, he would procure an abrogation of its privilege of landing Chinese passengers at that port.

The company, distrusting his ability to accomplish this object, declined the proposition, and received thereafter notice from the foreign minister, dated October 15 last, that his Government had entered into an engagement with the Oceanic Steamship Company, conferring on that company exclusive privilege to transport Chinese immigrants, and that, after January 1, 1884, permits would not be issued by Hawaiian consular officers in China or the United States for such purpose to vessels of other companies.

Mr. Lauterbach further states that the exclusive rights thus conferred upon the Oceanic line cannot be enjoyed by it directly, inasmuch as it does not appear that it has ever proposed to perform any service between the Sandwich Islands and China, and that, in keeping with this conclusion, Mr. Spreckles, upon the refusal of the Pacific Mail Steamship Company to divert its Australian vessels from Honolulu, proffered to the British company, the Occidental and Oriental line, the exclusive privilege conferred on the Oceanic line by the Hawaiian Government.

While the offer has not yet been accepted, Mr. Lauterbach expresses

the expectation that it will be, and that the result will be the creation, by these acts, of a special and exclusive privilege to a British company.

The provisions of treaty obligations between Hawaii and the United States are referred to as contravened by an arrangement of the character anticipated, and the Department is asked to remonstrate in the premises in behalf of the Pacific Mail Steamship Company.

The practical effect of the proposed exclusive grant or concession by the Hawaiian Government to the Oceanic line of San Francisco, of which Mr. Spreckles is the controlling manager, if not the sole owner, and the transfer by that gentleman of the franchise or right thus granted to the Occidental and Oriental Company must be to establish and maintain a discrimination against the Pacific Mail Steamship Company in regard to an important and profitable element of their carrying trade; and this, as it is conceived by this Government, would be in contravention of the spirit of the first and second articles of the treaty of December, 1849, between the United States and the Hawaiian Islands, and directly contrary to the letter and spirit of the sixth article of that treaty, the provisions of which are as follows:

> Steam vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

It is true that the exclusive grant of the Hawaiian Government is made directly to the Oceanic Company, an American corporation, but its transfer by Mr. Spreckles to the English company and the refusal of the Hawaiian consuls under instructions from that Government to grant the required certificates to a particular class of passengers unless they take passage on the ships of the line, enjoying the exclusive privilege, accomplished by indirection precisely what the treaty forbids being done directly, *i. e.*, the establishing of the discriminating policy in navigation and commerce against steam vessels of the United States plying between the eastern and western shores of the Pacific Ocean and carrying its mails. The right of the Hawaiian Government to admit to or to exclude from its dominions immigrants of any nationality or race is not for a moment questioned by this, but that the exclusive privilege of carrying immigrants who are admitted to Hawaii should be accorded to any one company owning a particular line of ships, whether American, Hawaiian, or foreign to both countries, is believed to be in itself unjust, and, as I have already observed, wholly inconsistent with the due maintenance of the treaty of 1849. The Pacific Mail Steamship Company have no right to demand an exclusive privilege in such carrying trade, but it may, with manifest propriety, under the terms of the treaty, insist that no discriminating measures against its vessels shall be maintained or permitted by the Hawaiian Government.

You will present the subject to that Government in the light of these suggestions, and it is not doubted but that the enlightened sense of justice of His Hawaiian Majesty will at once enable him to see the possible injustice involved in the proposed arrangement, and that he will inaugurate the necessary measures to avert its being carried out.

You will report the result.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Lauterbach to Mr. Frelinghuysen.

WASHINGTON, D. C.,
November 10, 1883. (Received November 13.)

DEAR SIR: The Pacific Mail Steamship Company, which I represent, has for many years employed four vessels on its line between San Francisco and Australia, which have stopped on their outward and homeward trips at the Sandwich Islands. The vessels of its China line, three in number, have also stopped on their trips to and from China at the islands, and a lucrative and gradually increasing business has resulted to the company, and the commercial interests of the United States have been greatly enhanced thereby. The Occidental and Oriental line of steamships is a line of British vessels plying between San Francisco and China, and stopping at the Sandwich Islands on their outward and homeward voyages.

A line known as the Oceanic line, controlled principally by Mr. Carl Spreckles, has recently begun the carrying business between San Francisco and the Hawaiian Islands. Mr. Spreckles has demanded of the Pacific Mail Steamship Company, since the establishment of his line, that they discontinue the stoppage of their vessels of the Australian line at Honolulu, so that he may have a monopoly of the carrying business without the opposition of our line of steamships.

With this demand the Pacific Mail Steamship Company, in its own interests and in the interests of American commerce, has refused to comply.

In August last the Hawaiian Government granted the privilege to the Pacific Mail Steamship Company and to the Occidental and Oriental companies of carrying Chinese emigrant passengers to the Sandwich Islands from China, a privilege which is of great consequence to the Pacific Mail Steamship Company; the amounts to be received from this service being probably sufficient to enable that company to continue its voyages regularly throughout the year, even in dull seasons, thus enabling the mail to be carried with regularity and punctuality both to the islands and to China, and the concession was important in other respects.

The inclosed correspondence shows that the Hawaiian Government had granted this privilege after due deliberation and in view of the excellent character of the service which had theretofore been rendered by the Pacific Mail Steamship Company, and the assurance was given that, unless some unforeseen emergency should arise, the privilege thus extended should not be abrogated.

Soon after the privilege was granted Mr. Spreckles stated to the agents of the Pacific Mail Steamship Company in San Francisco that, unless the calling of the Australian vessels of that company at Honolulu was at once dispensed with, he would procure an abrogation of the contract and would prevent the Pacific Mail Steamship Company from enjoying the privilege of landing Chinese passengers at Honolulu, and would cause them to be excluded from the right so to do. It was not supposed by the company that he could accomplish this But his power was greater than it was believed to be, and, as appears by the inclosed copy of a letter from Walter M. Gibson, minister of foreign affairs of the Hawaiian Government, dated at Honolulu, October 15, 1883, and addressed to Messrs. Williams, Dimond & Co., agents of the Pacific Mail Steamship Company at San Francisco, he was easily able to carry out his threat. From that letter it appears that the privilege was taken away, not only from the Pacific Mail, but also from the Occidental and Oriental Steamship Company, and granted exclusively to Mr. Spreckles's line, which, so far as the Pacific Mail Steamship Company is informed, has never proposed to perform any service between the Sandwich Islands and China, so that this exclusive privilege granted to him could not be directly exercised by him. The true purpose of his procuring the abrogation of the concession made to the Pacific Mail and Occidental companies was immediately made apparent when Mr. Spreckles stated to our agents at San Francisco that he would transfer the concession to the two companies, the Pacific Mail and the Occidental, provided Australian vessels of the Pacific Mail Company would refrain from touching at Honolulu. Upon the refusal of the company so to do, he proffered to the British company, the Occidental and Oriental line, the exclusive privilege conferred on the Oceanic line by the Hawaiian Government. The British line has not yet accepted this proffer, so far as I am advised, but is likely to do so, and in that event a special privilege will be afforded to the British line from which the American line will be excluded.

The spirit and the letter of the treaty between the United States Government and the Hawaiian Government—a treaty of exceptional value to the latter Government—grant to the American people and to American commerce at least equal, if not superior rights to those to be enjoyed by any other people. The Pacific Mail Steamship Company does not ask for any special right, but desires the intervention of this Government so that it, an American corporation, may be accorded equal rights with those granted to any other corporation or individual, whether American or foreign.

I take the liberty of soliciting the intervention of the American Government in this matter, so that, after becoming fully possessed of all the facts, proper action may be taken.

The next mail for the Sandwich Islands leaves San Francisco on the 23d inst., and I respectfully solicit the immediate attention of your Department to this matter, so that such a letter as the Department may desire to forward to the American representative at the Hawaiian Islands may be then transmitted.

If the letter to the American minister could embody a suggestion that his intervention to prevent the exclusion of the Pacific Mail Steamship Company from privileges enjoyed by others would be favorably regarded by your Department, the company I represent would be very grateful.

I inclose herewith copy of a letter addressed by me to the Hon. H. A. P. Carter, Hawaiian minister to the United States, of his answer thereto, and of the inclosures contained in that letter.

Very respectfully, yours,

EDWARD LAUTERBACH,

Of counsel for Pacific Mail Steamship Company, 45 William street, New York City.

Mr. Lauterbach to Mr. Carter.

NEW YORK, *November* 5, 1883.

DEAR SIR: On behalf of the Pacific Mail Steamship Company, of which I am counsel, I beg respectfully to protest against the action of His Hawaiian Majesty's Government in revoking the permission which, during the month of August last, was granted to the vessels of that company and the Oriental and Occidental Steamship line to transport emigrant Chinese passengers from Hong-Kong to Honolulu, and in entering into an engagement with the Oceanic Steamship Company to grant them all the privileges of transporting Chinese emigrant passengers from Hong-Kong and other Asiatic ports to the Hawaiian Kingdom, and in instructing His Hawaiian Majesty's consul-general at Hong-Kong not to issue any permits for the transportation of Chinese emigrant passengers to the Hawaiian Kingdom to any vessel of the Pacific Mail and Oriental and Occidental Steamship lines after the first day of January next.

The action of the Government which you represent, to which reference is herewith made, is embodied in a letter from the department, emanating from Walter M. Gibson, minister of foreign affairs of the Hawaiian Government, dated at Honolulu on the 15th of October, 1883, and addressed to Messrs. Williams, Dimond & Co., agents of the Pacific Mail and Oriental and Occidental Steamship Companies, in San Francisco; a copy of which I herewith inclose.

The Pacific Mail Steamship Company believes that this action is in violation of every principle of equity and justice, and in contravention of the spirit of the treaty subsisting between the American and Hawaiian Governments; and this company believes that this action was taken at the instance of Mr. Carl Spreckles, and in pursuance of threats that he would procure such action to be taken, which he has repeatedly made. A very brief reference to the facts which led up to this action on the part of the Hawaiian Government will not be inappropriate.

The vessels of the Pacific Mail and Occidental and Oriental Companies plying between San Francisco and China frequently stop on their outward and homeward trips at Honolulu. The vessels of the Pacific Mail Steamship Company plying between San Francisco and New Zealand and Australia also stop occasionally at Honolulu. The facilities thus afforded to the people of the two countries, and the excellence of the service rendered by those companies, were so well appreciated that the privilege was extended them of bringing Chinese immigrants to the islands.

The Oceanic line, controlled largely by Mr. Spreckles, being about to begin the carrying business between the islands and San Francisco, he desired that the Pacific Mail Steamship Company discontinue the stoppages of its Australian vessels at Hon olulu, and when the Pacific Mail Steamship Company declined so to do he threatened to procure an abrogation of the permission which had been accorded that company as aforesaid. His threat was thought to be an idle one, for, in a letter from the department of foreign affairs of your Government, dated Honolulu, 18th August, 1883, to Messrs. E. Hackfeld & Co., Mr. Gibson, after giving assurance of the continuation of the arrangements for shipping those emigrants hereinbefore referred to, says: "If any passengers should seek this Kingdom from Japanese ports the Government would certainly be glad that they should be brought here by vessels of the class which the Pacific Mail Steamship Company and the Occidental and Oriental Steamship Company are running, whose superior accommodations and admirable supervision have led to their being accorded the exclusive privilege of carrying Chinese coolies to this country."

[Inclosure 4 in No. 73.]

Statement of Mr. Collins.

COLLECTOR-GENERAL'S OFFICE,
Honolulu, H. I., May 17, 1883.

I, Douglas Collins, one of the customs guard of the port of Honolulu, island of Oahu, Hawaiian Islands, do hereby certify that I was placed on board the British steamer Glenelg, John Speechly, master, from Hong-Kong via Nagasaki, by the port surveyor on the 29th day of March last, and remained on board until the day the steamer sailed from this port; that I received all permits to discharge cargo issued by the collector-general, and checked the goods by the permits as they were landed; that nothing was landed other than what was covered by the permits now on file in the port surveyor's office.

DOUGLAS COLLINS,
Custom-House Guard.

UNITED STATES CONSULATE,
Honolulu, May 17, 1883.

Subscribed and sworn to before me this 17th day of May, 1883, and I, the undersigned consul, do hereby certify that the said Douglas Collins is personally known to me; that he is a credible person, and that the statement hereinbefore made is worthy of full faith and credence.

D. A. McKINLEY,
United States Consul.

[Inclosure 5 in No. 73.]

Statement of Mr. Davies.

HONOLULU, *May* 17, 1883.

Know all men by these presents:

That I, Theo. H. Davies, of the firm of Theo. H. Davies & Co., of Honolulu, do declare that the British steamer Madras arrived at this port of Honolulu from Hong-Kong, on the 10th day of April, 1883, with about 750 Chinese passengers, and a small quantity of freight bound for the ports of Honolulu and Victoria, British Columbia.

That the said firm of Theo. H. Davies & Co. are agents at this port for said steamship.

That there is no sugar whatever reported on either manifest.

That the master positively declared to me that he had no sugar in his cargo for Victoria or any other port.

That no sugar or other cargo has been landed from the Madras at Honolulu; and

That I am satisfied that the Madras brought no sugar from Hong-Kong, except what was included in ordinary stores for ship's use.

THEO. H. DAVIES.

UNITED STATES CONSULATE,
Honolulu, H. I., May 17, 1883.

Sworn to and subscribed this 17th day of May, 1883, before me, and I, the undersigned consul, do hereby certify that Theo. H. Davies, whose name is subscribed to the foregoing statement, is a merchant of high standing at this port; that he is the British vice-consul at this port, and well and personally known to me; and that the foregoing statement is worthy of full faith and credence.

D. A. McKINLEY,
United States Consul.

No. 337.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 78.] LEGATION OF THE UNITED STATES,
Honolulu, June 8, 1883. (Received July 16.)

SIR: As an inclosure from the Department of State, I have the honor to acknowledge the receipt of a copy of a letter addressed to you by the honorable Secretary of the Treasury, dated May 1, 1883, together

to say that though, by order of His Majesty's Government, this department has made it known that a limited Chinese immigration will be permitted, the steamers of the Pacific Mail Steamship Company and of the Occidental and Oriental Company have been designated as the only means of conveyance by which Chinese coolies may be brought here; the Government is not in a position to fix any definite time during which such an arrangement shall last. I can, however, give you the assurance that unless some emergency, at present entirely unforeseen, should arise, no change will be made in the arrangements referred to without reasonable warning being given to you. So far as I can judge the permission just granted is likely to remain in force for some time to come, if the immigration taking place under it be conducted in the manner and with the discretion which the Government has reason to expect. In regard to Japanese immigrants I have to say that this Government has no emigration convention with Japan, and is unable to give you any assurances on the subject. If any passengers should seek this Kingdom from Japanese ports, the Government would certainly be glad that they should be brought here by vessels of the class which the Pacific Mail Steamship Company and the Occidental and Oriental Steamship Company are running, whose superior accommodation and admirable supervision have led to their being accorded the exclusive privilege of carrying Chinese coolies to this country.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

Mr. Carter to Mr. Lauterbach.

HAWAIIAN LEGATION,
Washington, D. C., November 6, 1883.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 5th instant. I do not discover in the inclosures forwarded any evidence of any desire on the part of the Hawaiian Government to force any discontinuance of the stoppage of the vessels of your Australian line at Honolulu.

As I am not yet advised of the reasons of the Hawaiian Government in granting to the Oceanic Steam Navigation Company all the privileges of transporting Chinese immigrant passengers from Hong-Kong, I await further communication on the subject.

I have, &c.,

H. A. P. CARTER.

No. 343.

Mr. Frelinghuysen to Mr. Daggett.

No. 42.] DEPARTMENT OF STATE,
Washington, December 6, 1883.

SIR: I have to acknowledge the receipt of your No. 94, of October 13 last, covering a copy of the protest of the Hawaiian Government against the annexation of certain Polynesian islands, and to say that under date of October 18 last Mr. Carter, the minister of that Government at this capital, presented that subject for the consideration of this Department. I inclose to you copy of Mr. Carter's note and of my reply of the 5th instant, in which it is stated that, under all the circumstances, the President "does not regard the matter as one calling for the interposition of the United States, either to oppose or support the suggested measure."*

I am, &c.,

FRED'K T. FRELINGHUYSEN.

---

* For inclosures, see correspondence with the Hawaiian legation at Washington, *post.*

that port for Honolulu, Hawaiian Islands, of several cargoes of sugar, and the consul expresses fear that such sugar may be intended for transshipment for the United States as the products of the Hawaiian Islands. The collector of customs at San Francisco is alive to the importance of preventing any such fraud, if intended, upon the revenue of the United States. I will thank you, however, to correspond with our minister at those islands, and ascertain whether at the present time the Hawaiian Government imposes a duty upon imported sugars, and, if so, at what rate; also to report the arrival of any of the cargoes of sugars referred to if they shall arrive at any ports of those islands, and whether it has been the custom since the treaty went into effect to import sugars into the Sandwich Islands for consumption there, and so release an equal portion of the products of those islands for shipment to this country.

A commission which I have appointed is shortly to proceed to San Francisco to investigate charges made during the last Congress that under the treaty with the Hawaiian Islands sugars have been imported free of duty which were not fairly covered by the terms of the treaty. It may be well, therefore, when making any report to your Department on the subject, that our minister send a copy of it direct to the collector of customs at San Francisco, for the use of such commission.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Collector Sullivan to Mr. Folger.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, April 19, 1883.

SIR: A letter has been received at this office from the United States consul at Hong-Kong advising of the shipment of several cargoes of sugar from that port to Honolulu, Sandwich Islands, and expressing a fear that it may be intended to transship said sugar there for the United States and attempt to obtain free entry thereof at this port as the product of the Hawaiian Islands.

I have taken proper precautions to prevent any such possible attempt from being successful, and have forwarded a copy of Consul Mosby's letter to the United States consul at Honolulu.

The Department is thus advised in order that instructions may be sent to the latter by the Department of State if deemed necessary.

I am, &c.,

C. L. SULLIVAN,
Collector.

No. 338.

Mr. Frelinghuysen to Mr. Daggett.

No. 28.] DEPARTMENT OF STATE,
Washington, June 16, 1883.

SIR: I have to acknowledge the receipt of your No. 73 of the 18th ultimo, touching the supposed shipments of sugar from China to the Hawaiian Islands, and thence to the United States, duty free. I desire to compliment and to thank you for the very full and ample report which you have submitted upon the subject.

A copy of your dispatch has been communicated to Mr. Consul Mosby at Hong-Kong, and copies of the entire correspondence sent to the Secretary of the Treasury, for his information.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 339.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 83.] LEGATION OF THE UNITED STATES,
Honolulu, July 7, 1883. (Received August 9.)

SIR: I have the honor to inform you that the 108th anniversary of our independence was celebrated with unusual display and enthusiasm in this city on the 4th instant, the natives themselves very largely participating therein. For the first time, I believe, on such an occasion, the public offices of the Kingdom were closed, and the King and his ministry attended the exercises of the day and the ball in the evening. Very many places of business were also closed, and the shipping in the harbor and a very considerable portion of the city were decorated, while during the evening the palace was conspicuously illuminated. Morning, midday and evening salutes were fired from the shore battery, and a more general celebration could have scarcely occurred in an American city.

* * * * * * *

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 340.

Mr. Daggett to Mr. Frelinghuysen.

[Extract.]

No. 94.] LEGATION OF THE UNITED STATES,
Honolulu, October 13, 1883. (Received October 29.)

SIR: I beg to inclose herewith a printed copy of the protest* of the Hawaiian Government against the further extinguishment of the nationalities of the Polynesian Islands through their annexation by foreign states. * * *

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 341.

Mr. Daggett to Mr. Frelinghuysen.

No. 95.] LEGATION OF THE UNITED STATES,
Honolulu, October 13, 1883. (Received October 29.)

SIR: I have the honor to inform you that at a meeting of His Majesty's Cabinet on the 13th of last July, the resolution of the 9th April, 1883, protesting against a further immigration of Chinese male laborers

* For inclosure, see inclosure to note from Mr. Carter to Mr. Frelinghuysen, October 18, 1883, page 575.

to these islands was rescinded, and a resolution adopted instead authorizing the immigration of Chinese laborers, under certain restrictions, at a rate not to exceed 600 in any three months. The reasons of this change are set forth in the correspondence herewith inclosed.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 95.]

Mr. Gibson to Mr. Johnson.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, July 14, 1883.

I have now the honor to inform you that at a meeting of the Cabinet, held yesterday, the resolution of April 9th, communicated to you in my letter of that date, was rescinded and the following passed in its place:

"*Resolved*, That the minister of foreign affairs be authorized to notify the Government of China and the authorities of the British colony of Hong-Kong, that a limited Chinese immigration will be permitted to enter this Kingdom under regulations issued from the foreign office."

It has already been intimated to you that this Government has never been prepared to discountenance a limited immigration of Chinese accompanied by a proportion of females. On representations made by the employers of Chinese coolie labor here that the number of Chinese who annually return to China on the expiration of their contracts is very large, and that this year it will probably be much larger than usual, His Majesty's Government has decided it prudent to permit a resumption of immigration, to a limited extent, as in replacement of the number leaving. I have, therefore, acting on the authority of the resolution above recited, the honor to authorize you to grant permission to persons desiring to bring here Chinese passengers, within the limits as to numbers and subject to the other restrictions defined in the separate letter of instructions inclosed with this.

The duration of the régime thus established will necessarily depend on the results of the negotiations now pending between this Government and that of China; also upon the character of the immigration which may actually take place under it, more especially in respect to the number of females, wives and relatives of male immigrants, who may be induced to come here along with them.

In conclusion, I have the honor to request that you will notify the Government of Hong-Kong of the resolution of Cabinet now communicated to you and of the nature of the authority placed in your hands.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

T. BULKLEY JOHNSON, Esq.,
H. H. M.'s Consul-General, Hong-Kong.

[Inclosure 2 in No. 95.]

Mr. Gibson to Mr. Johnson.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, July 14, 1883.

SIR: Referring to my other letter of this date, I have now the honor to authorize you to grant permission from time to time to the captains and owners of steam vessels to carry Chinese passengers from the port of Hong-Kong to these islands, subject to the following conditions, viz:

1. The steamers thus permitted to convey Chinese passengers to this country shall only be those belonging to some established lines, which at present are only the Pacific Mail Steamship Company and the Oriental and Occidental Steamship Company. (The fact that these steamers are always well equipped and provided, and kept in a cleanly

These islands are geographically allied to Australasia rather than to Polynesia. At no time have they so asserted and maintained a separate national life as to entitle them to entrance, by treaty stipulations and established forms of competent self-government, into the family of nations, as Hawaii and Samoa have done. Their material development has been largely due to their intercourse with the great Australian system, near which they lie, and this Government would not feel called upon to view with concern any further strengthening of such intercourse, when neither the sympathies of our people are touched nor their direct political or commercial relations with those scattered communities threatened by the proposed change.

The President, before whom the protest has been brought, moved by these considerations, does not regard the matter as one calling for the interposition of the United States, either to oppose or support the suggested measure.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

HAYTI.

No. 348.

Mr. Langston to Mr. Frelinghuysen.

No. 513.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Jan. 19, 1883. (Received Feb. 12.)

SIR: It is perhaps true that there never was a time when general popular interest and immediate governmental necessity in Hayti so entirely required earnest, intelligent and practical consideration and action on the part of the Government as to-day.

While general peace and tranquility prevail, while there seems to be at least a common acceptance if not a cordial indorsement of the present administration of the Government, there is very little, almost no business being done, money is extremely scarce, all kinds of industry, especially agricultural, being neglected; and there appears to be little hope to the country or Government from any transactions which may be had in connection with the coffee crop of the present year, which is very light, and sales thereof are made at very unremunerative prices here and abroad.

In this condition of things it would seem to be appropriate for the Government to give its serious attention to any measures of amelioration which might seem to be judicious and advantageous. This would seem to be the purpose which animates the administration, if we may judge from the tenor of the address of President Salomon made on the 1st instant to the people and army of Hayti.

In this address the President, after dwelling upon the inheritance received by the Haytians from their fathers, states that they have not improved, but have made it the occasion of fruitless rivalries, thus losing the benefits of it; that they are to-day in ruinous condition, with their principal product reduced in price, and brought face to face with their real necessities. He exhorts them to have courage, and with fidelity and intelligence attempt the work of improvement, assuring them that his sympathy and efforts shall not be wanting. He then announces the

early assembling of the Corps Legislatif, and promises that important projects pertaining to the progress and well-being of the country shall be submitted to such body.

He expresses his confidence in this behalf in closing his address, in the devotion, patriotism and interest of all concerned, and expresses the hope that the efforts of the legislative body as well as his own will be thoroughly supported.

It will prove to be a good day for Hayti should the expectations of the chief of state, as above indicated, be realized in wise action on the part of the Corps Legislatif, supported by the people and the army.

I am, &c.,

JOHN MERCER LANGSTON.

No. 349.

Mr. Langston to Mr. Frelinghuysen.

No. 527.] LEGATION OF THE UNITED STATES,
Port-au Prince, March 12, 1883. (Received March 31.)

SIR: I have the honor to advise the Department that, by reason of certain reports which have prevailed in this Republic for the past month, affecting and influencing especially the action of the Government, there has existed, for the time indicated, a very unsettled and solicitous condition of the public mind lest a movement threatened by the Haytian exiles at Kingston, Jamaica, and other neighboring places, against this Government, should take place at an early day. It is reported and generally believed that such exiles are already largely gathered at Mathewtown, Inagua, and are in readiness for such movement; and it is also believed that it may very soon show itself and demonstrate its power in an attack upon some point in the northern part of the Republic. The Government is, accordingly, adjusting its troops, locating a large number in and about Cape Haytien, while it is making daily arrests of persons in the country supposed to be in sympathy with such movement against the constituted authorities, giving, if not directly, indirectly, aid and comfort to such enemies. Of course, such threatened movements, the military proceedings of the Government taken to prevent, and, if need be, to overcome it, especially the numerous arrests that are being made, are affecting very considerably the otherwise apparently settled condition of the public mind. General business is also in no small sense unduly disturbed. It is to be hoped, however, that this condition of affairs will pass away very soon, and without a general disturbance of the peace of the country by such movement as seems to be anticipated.

I am, &c.,

JOHN MERCER LANGSTON.

No. 350.

Mr. Langston to Mr. Frelinghuysen.

No. 537.] LEGATION OF THE UNITED STATES,
Port-au-Prince, March 31, 1883. (Received April 14.)

SIR: On the morning of the 27th instant Hon. J. B. Damier called at this legation and advised me that on the 25th instant one hundred and six Haytian exiles had quitted Inagua upon a small steamship of

the expectation that it will be, and that the result will be the creation, by these acts, of a special and exclusive privilege to a British company.

The provisions of treaty obligations between Hawaii and the United States are referred to as contravened by an arrangement of the character anticipated, and the Department is asked to remonstrate in the premises in behalf of the Pacific Mail Steamship Company.

The practical effect of the proposed exclusive grant or concession by the Hawaiian Government to the Oceanic line of San Francisco, of which Mr. Spreckles is the controlling manager, if not the sole owner, and the transfer by that gentleman of the franchise or right thus granted to the Occidental and Oriental Company must be to establish and maintain a discrimination against the Pacific Mail Steamship Company in regard to an important and profitable element of their carrying trade; and this, as it is conceived by this Government, would be in contravention of the spirit of the first and second articles of the treaty of December, 1849, between the United States and the Hawaiian Islands, and directly contrary to the letter and spirit of the sixth article of that treaty, the provisions of which are as follows:

> Steam vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

It is true that the exclusive grant of the Hawaiian Government is made directly to the Oceanic Company, an American corporation, but its transfer by Mr. Spreckles to the English company and the refusal of the Hawaiian consuls under instructions from that Government to grant the required certificates to a particular class of passengers unless they take passage on the ships of the line, enjoying the exclusive privilege, accomplished by indirection precisely what the treaty forbids being done directly, *i. e.*, the establishing of the discriminating policy in navigation and commerce against steam vessels of the United States plying between the eastern and western shores of the Pacific Ocean and carrying its mails. The right of the Hawaiian Government to admit to or to exclude from its dominions immigrants of any nationality or race is not for a moment questioned by this, but that the exclusive privilege of carrying immigrants who are admitted to Hawaii should be accorded to any one company owning a particular line of ships, whether American, Hawaiian, or foreign to both countries, is believed to be in itself unjust, and, as I have already observed, wholly inconsistent with the due maintenance of the treaty of 1849. The Pacific Mail Steamship Company have no right to demand an exclusive privilege in such carrying trade, but it may, with manifest propriety, under the terms of the treaty, insist that no discriminating measures against its vessels shall be maintained or permitted by the Hawaiian Government.

You will present the subject to that Government in the light of these suggestions, and it is not doubted but that the enlightened sense of justice of His Hawaiian Majesty will at once enable him to see the possible injustice involved in the proposed arrangement, and that he will inaugurate the necessary measures to avert its being carried out.

You will report the result.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

soil of Hayti by those very persons who have drenched our cities in blood, the Government cannot doubt that you would order your agents to refuse all asylum in case of defeat to the incorrigible disturbers, to the individuals condemned to death since the month of April of last year for crimes of common law, and which your flag cannot protect in this quality without a formal derogation of the principles of private law as well as those of international law.

I have the honor to bring to your attention the duty of the Government to act and to proceed energetically in the case, taking every precaution to do as little evil as possible. In this provision I pray you to invite the captains of vessels of your nationality to withdraw at a distance from the place where they are anchored at this moment, and not to receive on board insurgents in flight, veritable pirates, who can have no right to any protection.

In this connection I seize, &c.,

DAMIER.

[Inclosure 2 in No. 537.]

Mr. Langston to Mr. Damier.

LEGATION OF THE UNITED STATES,
Port-au-Prince, March 31, 1883.

SIR: The undersigned has the honor to acknowledge the receipt of your dispatch dated March 29, 1883, having reference to the condition of affairs at Miragoâne, and to tender you his thanks therefor.

With sentiments, &c.,

JOHN MERCER LANGSTON.

No. 351.

Mr. Langston to Mr. Frelinghuysen.

No. 542.] LEGATION OF THE UNITED STATES,
Port-au-Prince, April 13, 1883. (Received April 30.)

SIR: I have the honor to transmit herewith inclosed copies of correspondence had between the Haytian Government and this legation in regard to the blockade of the port of Miragoâne.

The dispatch of Mr. Damier on this subject, dated April 3, 1883, a copy of which, with translation, is transmitted, announces that the port has been put in blockade, and states that while it is needless to dwell upon the facts that make this measure necessary, it is expected that I will be willing to transmit notice thereof to my citizens who may be interested, that they may take the needful steps to avoid the consequences of such situation, and concludes by expressing the hope that the kind consideration of the Haytian Government exhibited for foreign interests will be cordially reciprocated.

By dispatch of the 4th instant, a copy of which is transmitted, while reserving all rights which may pertain to any citizens of the United States being or residing at Miragoâne during the blockade announced, I tender him my thanks for his dispatch.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 542.—Translation.]

Mr. Damier to Mr. Langston.

PORT-AU-PRINCE, *April* 3, 1883.

MR. MINISTER: I have the honor to bring to your knowledge that the Government has put the port of Miragoâne in state of blockade.

There is no occasion to dwell upon the facts which require this measure.

You will be very willing, Mr. Minister, to transmit this notification to those of your citizens whom it may interest, in order that they may take the necessary steps to avoid the consequences of the blockade.

The Government believes that it will find on your part, in the application of measures dictated by international usage, the same willingness that it shows to protect foreign interests from the effects of the present conflict.

Accept, &c.,

DAMIER.

[Inclosure 2 in No. 542.]

Mr. Langston to Mr. Damier.

LEGATION OF THE UNITED STATES,
Port-au-Prince, April 4, 1883.

SIR: I have the honor, in acknowledging the receipt of your dispatch dated the 3d instant, while reserving all rights which may pertain to any citizen of the United States being or residing in Miragoâne, during the blockade which you announce in connection with that city, to tender therefor my thanks.

I am, &c.,

JOHN MERCER LANGSTON.

No. 352.

Mr. Langston to Mr. Frelinghuysen.

No. 543.] LEGATION OF THE UNITED STATES,
Port-au-Prince, April 13, 1883. (Received April 30.)

SIR: I have the honor to transmit as herewith inclosed the correspondence passing between the Haytian Government and this legation in regard to the bombardment of Miragoâne.

The dispatch of Mr. Damier, a copy of which, with translation, is transmitted, announces that, after a notice of twenty-four hours accorded to the insurgents there assembled to surrender, the city of Miragoâne will be bombarded with all the rigors of military law; that the President, having taken all the precautions to spare the country new evils, will leave the consequences thereof to whom it may concern; that notice of the blockade of the port has already been given; that in his care to protect foreign interests located in this country the President has directed the secretary to give notice of the ultimatum addressed to the insurgents, in order that our citizens may take the usual precautions in such case; that such citizens be made to quit the port with their ships, their proximity to the wharf rendering their situation dangerous; that orders have been given the commandant of the Haytian fleet to render assistance in such behalf, notwithstanding the blockade; and that after said notice all risks will be taken by those exposing themselves.

Then the secretary takes occasion to announce that shots have been fired from foreign vessels in the harbor of Miragoâne at the troops of the Haytian Government, and he concludes by stating that a steamer of the Government leaves the port of Port-au-Prince in the evening, and that the captain has been ordered to carry any packages addressed to our citizens or agents at Miragoâne.

My dispatch dated the 4th instant, a copy of which is herewith transmitted, while reserving all rights which may pertain to any citizen of the United States being or residing at Miragoâne under the circumstances, acknowledges the receipt of the dispatch of Mr. Damier.

Further, it is denied in my dispatch that any shots have been fired from any American vessel in the harbor of Miragoâne at the troops of the Haytian Government.

It will be perceived I did not receive Mr. Damier's dispatch till 12 o'clock at night, too late, if I had been disposed to do so, to take any special action in the premises, and too late for the steamer of the Government to deliver packages addressed to our citizens or agents in Miragoâne.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 548.—Translation.]

Mr. Damier to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, April 3, 1883.

Mr. MINISTER: I have the honor to inform you that a truce of twenty-four hours has been accorded to the insurgents who occupy Miragoâne to make their submission and surrender the city to the legitimate authority. At the expiration of this truce bombardment shall be proceeded with in all the rigors of military law.

The Government, having done all that its duty requires to spare to the country new misfortunes, leaves to the responsibility of whom it may concern the disastrous consequences of the painful necessity to which a culpable obstinacy reduces it.

Already you have been notified of the blockade of this port.

In his solicitude to protect foreign interests established in this country, His Excellency the President of Hayti has ordered me to advise you of the ultimatum addressed to the insurgents, in order that you may take, in favor of your citizens and their ships, the precautions usual in such cases.

You will, then, Mr. Minister, in the twenty-four hours' truce accorded in the ultimatum, cause your ships to quit the port, their proximity to the wharf rendering their situation particularly dangerous.

Orders shall be given in consequence to the commandant of our fleet to let them pass, notwithstanding the declaration of blockade. At the expiration of the truce, those ships which obstinately remain at the wharf will encounter all the risks of war, and the Government, by such flagrant violation of international regulations, will consider itself completely relieved from all responsibility for any damage to which those contravening should voluntarily expose themselves.

I take advantage of this occasion to inform you, Mr. Minister, that shots have been fired from foreign vessels in the harbor of Miragoâne against our troops. I need not impress upon you the gravity of this occurrence.

A Government vessel leaves this evening. The commandant has orders to place himself at your service and take charge of any packages which you may have to address to your citizens and agents.

Accept, &c.,

DAMIER.

[Inclosure 2 in No. 543.]

Mr. Langston to Mr. Damier.

LEGATION OF THE UNITED STATES,
Port-au-Prince, April 4, 1883.

SIR: While reserving all rights which may pertain, under the circumstances, to any citizen of the United States being or residing in Miragoâne, I have the honor to acknowledge the receipt, at 12 o'clock last night, of your dispatch dated the 3d instant, in which you announce the purpose of your Government to bombard the city of Miragoâne after a notice of twenty-four hours to the insurgents there assembled.

As at present advised, Mr. Minister, I am of the opinion that no shooting as indicated by you has taken place against the troops of the Government of Hayti from any American vessels lying in the harbor of Miragoâne.

I am, &c.,

JOHN MERCER LANGSTON.

No. 353.

Mr. Langston to Mr. Frelinghuysen.

No. 544.] LEGATION OF THE UNITED STATES,
Port-au-Prince, April 14, 1883. (Received April 30.)

SIR: So far, while the whole country remains quiet, and the Government is given amplest opportunity to deal with the insurgents at Miragoâne, little progress seems to have been made towards their dislodgment. Having selected for their operations against the Government a place naturally remarkably well fortified against attack, and being from all accounts unusually well armed with large and small arms and supplied with a considerable quantity of ammunition, though few in number, resolute and determined, the insurgents are making a formidable and vexatious resistance to the troops of the country.

The Government is said to have about Miragoâne, at present, engaged in the attack against Bazelais and his men, some three thousand soldiers.

The friends of the present administration, while deploring the delay already had in connection with this affair, and the heavy daily outlay it occasions to the Government, predict its early close, with the complete and utter rout of the insurgents.

The present aspect of affairs in the country would seem to justify this opinion. The Government still seems to be strong.

I am, &c.,

JOHN MERCER LANGSTON.

No. 354.

Mr. Frelinghuysen to Mr. Langston.

No. 201.] DEPARTMENT OF STATE,
Washington, April 17, 1883.

SIR: I have received and read with attention your dispatch No. 537, of the 31st ultimo, in which you report the insurrectionary movement undertaken by certain Haytian exiles at Miragoâne, and transmit the correspondence exchanged between yourself and Mr. Damier in relation thereto.

It is observed that Mr. Damier states that the vessel which carried the insurrectionary party to Hayti sailed under the flag of the United States. It is desirable that the name and home port of the vessel be ascertained, in order that it may be known whether she was in fact of American registry.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 355.

Mr. Langston to Mr. Frelinghuysen.

No. 546.] LEGATION OF THE UNITED STATES,
Port-au-Prince, April 27, 1883. (Received May 19.)

SIR: I have the honor to advise you that up to this date fighting still continues between the insurgent and Government forces at Miragoâne. It is reported, and perhaps it is true, that the Government is

making some progress in the contest. Various reports are circulated from day to day as to the condition of affairs in and about the scene of this struggle, but as yet nothing definite and certain as to the real state of the one or the other party thereto has been settled.

So far general peace and tranquility have obtained throughout the country, except at Tron, a small place in the north, where, on the 13th instant, the Government troops were employed for some three or four hours in putting down a weak and unimportant insurrectionary movement.

The present administration still seems to be popular and strong, and its adherents and friends are of opinion that the Miragoâne movement cannot succeed.

I am, &c.,

JOHN MERCER LANGSTON.

No. 356.

Mr. Langston to Mr. Frelinghuysen.

No. 548.] LEGATION OF THE UNITED STATES,
Port-au-Prince, May 5, 1883. (Received May 21.)

SIR: I have the honor to transmit to the Department, as herewith inclosed, three copies of Le Moniteur of the 3d instant, containing in the first and second columns, as marked by me, certain statements with regard to the arrest and preliminary examination at Philadelphia, a few days ago, of the officers of the steamship Tropic, Aug. C. Rand, master, charged with having violated the law in that behalf by transporting to Miragoâne, Hayti, munitions of war from the United States, and men, insurgents against this Government, from Inagua.

The promptness and decision with which our Government has acted in this matter bring the greatest possible satisfaction to President Salomon and his administration. The President, in speaking to me yesterday of this action on our part, expressed in most cordial terms his profound pleasure in view of it. In its moral effects it strengthens his administration by increasing popular confidence in it, while it demonstrates the purpose of our Government to deal, as is its wont, with entire justice towards the Government and people of this country.

As yet the insurgents at Miragoâne have not been subdued. The city is still in their hands, and the Government is compelled to continue its efforts against them. In all parts of the country, however, general peace and good order prevail, and the Government seems to maintain its hold upon popular confidence and respect. This is a condition of things unknown heretofore in the history of Hayti, and discovers in an unmistakable manner the popularity of President Salomon.

I am, &c.,

JOHN MERCER LANGSTON.

No. 357.

Mr. Langston to Mr. Frelinghuysen.

No. 551.] LEGATION OF THE UNITED STATES,
Port-au-Prince, May 17, 1883. (Received May 31.)

SIR: On the 6th instant the chargé d'affaires of the French Government resident in this capital, Mr. Ernest Burdel, called at this legation, and in a brief conversation represented that it was the judgment and

desire of the President of the Republic of Hayti that the propositions contained in the paper a copy of which, with translation, is herewith inclosed and transmitted, should, after being approved by the diplomatic corps of Port-au-Prince, be presented by him to Bazelais and his companions, insurgents, now and since the 26th of March last in possession of Miragoâne, and in open and declared warfare against the Government, and their accceptance pressed upon said insurgents in the interest of humanity. In answer to my question whether Bazelais and his companions had asked the good offices of the corps or himself, Mr. Burdel answered in the negative; and when asked whether he supposed Bazelais would receive and entertain such propositions, he said he should go to Miragoâne in one of the small war vessels of the Government, which would be put at his disposal, and he had no doubt that the insurgents would receive him kindly, and at least treat the propositions to be presented with considerate respect. Assured also that my colleagues would all sign the paper presented, and persuaded that its presentation could do no harm, if it did no good, as the dean of the corps I signed the paper, assenting to its propositions and their presentation by Mr. Burdel, acting in the name of the Government and the corps. The five gentlemen representing, respectively, the Governments of France, England, Germany, Spain and Italy, also signed the paper and approved the visit of Mr. Burdel to Miragoâne for the purpose indicated, and on the afternoon of the 6th instant Mr. Burdel took passage on the Haytian man-of-war La Sentinelle, arriving early Monday morning, the 7th instant, at Source Salée, within the lines of the Government troops, and thence in due time made his way into Miragoâne, where he had a conference with Bazelais, who, after due consideration, declined to accept the propositions offered. Returning on Thursday, the 10th instant, Mr. Burdel reported to the President and his colleagues the unsatisfactory result of his mission.

Upon reading the two propositions following the preamble of the paper, to wit, article 1, according to which Bazelais and his companions are required to lay down immediately their arms, which, with all munitions and engines of war in their hands, shall become the property of the state, and article 2, according to which the Government engages to protect them against all ill usage up to the time of their departure to such place in America as they may desire, one knowing the resolute and determined disposition of the men to whom such propositions were offered, the character of the stronghold in which they are lodged, recollecting the apparent victory which they have achieved in the engagements had with the troops of the Government, especially in the engagement had on the 31st of March, and the expectation entertained by them that at an early day, should they hold out, maintaining their position of defiance and fight, disaffected parties that might be in various parts of the Republic would rise against the Government, must have doubted from the very first whether they would consent to such propositions, and not have been at all surprised when they declined to do so.

Bazelais and his companions are still in possession of Miragoâne, as defiant and determined, it would seem, as ever.

But the Government, still enjoying, as it appears, the confidence of the people, with peace and good order prevailing everywhere in the country outside of Miragoâne, is, according to report, preparing for a general and decisive movement upon the insurgents.

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosuure in No. 551.—Translation.]

PROJECT.

PORT-AU-PRINCE, *May* 6, 1883.

The members of the diplomatic corps, John Mercer Langston, minister resident of the United States, Ernest Burdel, chargé d'affaires of France, C. Frensberg, consul of Germany, M. Garrido y Gill, consul of Spain, H. T. C. Hunt, in charge of Her Britannic Majesty's legation, A. Christiensen, consul of Italy, having assembled this day to devise ways and means to shorten the crisis which impedes affairs in the most disastrous manner throughout the extent of the Republic, and especially to put a stop to the effusion of blood in the struggle which is taking place at Miragoâne between Mr. Boyer Bazelais and his companions on the one part and the troops of the legal Government on the other—

Considering that the prolongation of the conflict in troubling more profoundly still the relations of their respective citizens, with the authorities and people of the provinces, can only multiply the abuses which are born of prejudice and passion in agitated times;

Considering that the inevitable, imminent triumph of the Government troops would conduce immediately and inevitably to excess and vengeance, to which the friends as well as the enemies of the Government are exposed in a city taken by assault;

For these reasons, moved by a sentiment of humanity, they have resolved to offer their amicable intervention to his excellency, the President of the Republic of Hayti, to secure the cessation of hostilities at Miragoâne.

To this end, they have adopted the following project, which shall be carried into effect as soon as the parties concerned shall have approved the following conditions:

ARTICLE 1.

Messrs. Boyer Bazelais and his companions shall immediately lay down the arms, munitions of war, and all engines whatever which they have brought with them, and which shall become the property of the state.

ARTICLE 2.

The Government agrees at the same time to protect their persons against ill-usage up to the day of their departure for such place in America as they shall desire.

JOHN MERCER LANGSTON.
ERN. BURDEL.
C. FRENSBERG.
GARRIDO Y GILL.
HUNT.
CHRISTIENSEN.

No. 358.

Mr. Langston to Mr. Frelinghuysen.

No. 558.] LEGATION OF THE UNITED STATES.
Port-au-Prince, May 30, 1883. (Received June 15.)

SIR: There has broken out at Jérémie a revolt against the Government, occurring within the last forty-eight hours. The regular troops of the Government and the national guards, the local military force of the city, were, at the time of its occurrence, absent at Miragoâne. These troops and guards have been ordered, with their commanding officers, back to Jérémie, and it is supposed by the President, with whom I have just spoken on the subject, that the revolt can and will be soon suppressed.

At Las Caobas, a small city of the interior, a few days ago, a similar attempt, though not so grave, was made in revolt against the Government, but was at once suppressed.

At Miragoâne, except that Bazelais and his companions attempted two days ago to make their way out of the city and were repulsed by the forces of the Government and driven back, things thereabout, according to the most reliable reports, remain substantially as they were at my last writing on the subject on the 20th instant.

It is now feared by reliable and discriminating persons, judges of Haytian character and popular tendencies here, from long and varied observation, that a protracted, vexatious and bloody revolutionary movement is now opening in the country. It is to be hoped otherwise.

Up to this hour the present administration seems to possess national favor generally, and to be strong and powerful, but no man can tell what a day may bring forth in Hayti.

I am, &c.,

JOHN MERCER LANGSTON.

No. 359.

Mr. Davis to Mr. Langston.

No. 210.] DEPARTMENT OF STATE,
Washington, June 4, 1883.

SIR: Your dispatch No. 551, of the 17th ultimo, has been received. You therein report the propositions made in the name of the Government of Hayti, by yourself and the other foreign representatives at Port-au-Prince, to General Bazelais, the leader of the insurgent force in possession of Miragoâne—that his troops should surrender their arms and military munitions on condition of being allowed to quit the island in safety.

However much the proposition may have responded to a natural sentiment of humanity, and expressed the desire of yourself and your colleagues to see a peaceful end put to the present unhappy disturbance of the tranquility and foreign trade of Hayti, the step taken cannot be regarded as one having the official sanction or support of this Government. The proposition itself is in terms a proffered mediation between the Haytian Government and certain rebellious citizens of Hayti, and it contains, moreover, a guarantee of certain future action of the Government of Hayti, the binding effect of which upon that Government, in the event of the acceptance of the terms by the insurgents, does not seem clear. The Haytian Government does not appear as a signatory party to the proposition, or as asking that it should be made, while the five gentlemen who signed it were of course incompetent to pledge the Haytian Government to any fixed terms, and equally incompetent, it is conceived, to engage their respective Governments to enforce those terms.

The paper, therefore, can only be considered, so far as this Government is concerned, as the personal and unauthorized expression of your individual opinion. Even in this light, however, the failure of your good intentions is regrettable.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 360.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 560.] LEGATION OF THE UNITED STATES,
Port-au-Prince, June 9, 1883. (Received June 29.)

SIR: I have the honor to transmit, as herewith inclosed, a copy of a dispatch, with translation, received from Mr. Damier on the 6th instant, advising me that the port of Jérémie, by order of the President of Hayti, of the 5th instant, had been put in a state of blockade; and in which he asks me to advise my Government and citizens having ships now in Hayti of such blockade; stating, in closing his dispatch, that his Government reckons upon my fidelity and the friendly relations existing so happily between our Government and Hayti to obtain from me as regards our citizens the positive stipulations and orders which the actual circumstances require and international law prescribes.

* * * * * * *

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 560.—Translation.]

Mr. Damier to Mr. Langston.

DEPARTMENT OF STATE OF FORRIGN RELATIONS,
Port-au Prince, June 6, 1883.

Mr. MINISTER: I have the honor to inform you that, by order of His Excellency the President of Hayti, of the 5th instant, the port of Jérémie has been put in a state of blockade.

You will be pleased, Mr. Minister, conformably to the prescriptions established by international law, to advise your Government thereof and those of your citizens who have ships at this moment in Hayti, in order that they may cease all communication with the port of Jérémie, under pain of exposing themselves to the ordinary consequences of the violations of blockade.

The Government counts upon your fidelity and the relations of friendship which exist so happily between your Government and Hayti to obtain from you, as regards your citizens, the positive stipulations and orders which the actual circumstances require and international law prescribes.

Be pleased to accept, &c.,

DAMIER,
The Secretary of State of Foreign Relations.

No. 361.

Mr. Langston to Mr. Frelinghuysen.

No. 563.] LEGATION OF THE UNITED STATES,
Port-au-Prince, June 11, 1883. (Received June 29.)

SIR: The actual and prospective condition of Hayti is still in doubt. Up to this day Bazelais and his accomplices remain in possession and control of the city of Miragoâne. The arrondissements of the Grand Anse and Tiburon, with such cities therein located as Jérémie and Tiburon, are in positive and declared rebellion against the Government. These

arrondissements and cities, situated in the southern part of the country, especially Jérémie, are no less important in a commercial point of view than in a strategic, whether it concerns the maintenance of the authority of the Government in that section of the Republic or the assertion and support of the rebellion. It is a fact, which all concede, that Jérémie is as strong, if not stronger, in its natural defenses than Miragoâne, while its inhabitants, more intelligent, active and determined, perhaps, than the people in any other part of the country, are earnestly opposed, even to the point of fighting and dying, to President Salomon.

Whether such opposition be wise or not, the people of Jérémie and the two arrondissements mentioned have declared in their address, lately published, that nothing will please or satisfy them but the abdication of General Salomon.

So far from abdicating, the President has declared the arrondissement of Grand Anse to be in a state of siege, as well as the city of Jérémie, and has put the port of Jérémie in blockade. Besides, having subdued the insurgent movement which discovered itself a few days ago at Aquin, the President is moving his forces forward against the rebels of Jérémie. A large force of the Government, well armed with weapons lately bought of Messrs. Remington & Sons and the Winchester Repeating Arms Company, of the United States, surround the city of Miragoâne, preventing the escape of Bazelais and his insurgent associates, and compelling them to remain shut up in the city.

It is reported from Government sources that there is much suffering and distress among the insurgents and the people of Miragoâne. It is said that provisions are scarce; that water is not abundant; that there is considerable sickness; that so far as possible persons are leaving the city and coming within the lines of the Government forces; that many of the insurgents themselves are becoming disheartened; and that very soon the city will be taken, with the complete rout and capture of the insurgents.

Already much property has been destroyed in Miragoâne, and many lives have been lost and many persons wounded among the troops of the Government and the insurgent forces. Our own consular agent, Mr. F. W. Mitchell, has been obliged to leave his post, and is in this city awaiting the result of affairs in Miragoâne. From week to week, however, for the last forty days the people have been assured that the Government would certainly take possession and control of that city without delay; but so far, as already stated, the city remains in the hands of the insurgents; and while the task at Miragoâne seems to be no less arduous, the general condition of the country seems to be growing critical enough. Yet the Government is still apparently strong and popular.

Perhaps nothing has contributed so much to the increased general good feeling in favor of President Salomon and his administration of the Government as an address delivered by him on the 3d instant at his audience at the national palace, in which, after expressing in statesmanlike manner and phrase his purpose to maintain the Government, stating and refuting the objections made against him by his enemies, he presented in clear and earnest words his opinions with regard to the treatment of colored and black persons, claiming that, in his administration of the government he had not and should not discriminate against the one in favor of the other class influenced by any consideration of color. He declared himself as knowing his fellow-citizens of both colors only as members of the great Haytian family, entitled to equal, kindly and considerate treatment, and claimed that in the selec-

tion of his office-holders the fact of color, black or mulatto, had no weight with him; that he only sought fitness in character and qualifications, efficiency and fidelity in him whose name might be called in connection with official promotion or service. This address, delivered to a large audience, and published, in substance, in the principal journals of this capital, has been made the subject of general and favorable comment, inspiring and strengthening the friends of the President, and frustrating and weakening, to some extent, his opponents.

So far there has been no bloodshed at Jérémie. The taking of the city by the insurgents was accomplished without the firing of a gun, the commandant of the arrondissement simply having his authority as such taken from him, and being sent, when overpowered, to a consulate —perhaps the French—for protection. The troops of the Government, *en route* to the city, at last advices had not reached it. It is supposed that in the desperate resistance of the insurgents there the bloodshed will finally be great and appalling.

Mr. Rouzier, our consular agent at Jérémie, in a dispatch dated the 8th instant, received from him to-day, in speaking of the approach of the army of the President, says:

> I hope it will not come, as the places (in the arrondissements of Grand Anse and Tiburon) are well fortified, and the inhabitants—men, women and children—are all decided to defend themselves to the last. This struggle will be worse than that of Miragoâne.

The Government, nevertheless, seems still to be confident of its power and its ultimate success.

I am, &c.,

JOHN MERCER LANGSTON.

No. 362.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 571.] LEGATION OF THE UNITED STATES,
Port-au-Prince, July 12, 1883. (Received July 30.)

SIR: The condition of the Government, as regards the present revolutionary movement, does not seem to improve. It is true that the country generally, especially in the north, seems to be at peace and in favor of the existing administration, and it seems to be true that the President is not losing in popular esteem; but little, if any, progress has been made in putting down the insurgents at either Miragoâne or Jérémie, and, with business greatly prostrated in all parts of the country, especially in this city and the chief open ports, the Government is feeling most keenly its want of funds to meet the ordinary existing and accumulating demands against it and the outlays connected with its endeavors to maintain the public peace and subdue those in arms against it.

As far as funds are concerned, up to this time the Government, by guaranteeing any loans made to it by the National Bank of Hayti or the merchants of the country in the pledge of its customs revenues, has been able to secure from time to time several considerable amounts; so that it has not felt within the past ninety days the pecuniary pressure which it may have to meet within the next few weeks, should the

revolutionary movements in the country be continued. Already, if reports which seem to come from authoritative sources be true, the Government has exhausted its means of guaranteeing its obligations to those of whom it borrows, and is compelled to make its appeal to the bank and merchants to aid it upon its promises to pay, according to its ability as discovered in its probable future incomes. What will be the result of such appeal is yet problematical. However, the national bank is the creature of this administration, and therefore may be expected to give reasonable support to it in an extraordinary emergency; and the merchants of this city, not to mention those of the other large places of the Republic, have shown themselves, at all times since his election to the presidency, entirely friendly to President Salomon; and they may respond to any solicitations of his for funds in such measure of liberality as to aid him to the extent of his more immediate and pressing necessities.

To-day the Government is seeking a loan of $50,000 from the bank and the merchants of this city, to meet in part its obligations in connection with the purchase of a war vessel, which it is said will at an early day arrive in Haytian waters from the United States, as purchased of some citizen of our country. It is said by those who claim to be advised on the subject that the response to the Government in this particular will be sufficiently prompt and generous as to make it feel, in view of the support thus given, financially and even morally strong.

As regards the real condition of the Government with relation to the revolution now prevailing, it may be said that a commission, consisting of four prominent Haytian gentlemen, accompanied by a representative of the French legation in this city, visited within a few days past the city of Jérémie, and in the name of the Government advised the insurgents there to submit themselves to the constituted authorities and yield obedience, as in duty bound, to the Government. Such advice, however, was not accepted by the insurgents, they insisting that the President was oppressive and tyrannical in his conduct towards the people, and that they should insist on his abdication.

The condition of affairs about Jérémie between the forces of the Government and the insurgents is shown, as claimed, in a bulletin * * * in the official section of Le Moniteur of the 7th instant. In this bulletin the Government professes to give to the public the condition of the army operating against Jérémie, as well as certain other places named, located in the arrondissement of Grand Anse. It is not true, however, that the city of Jérémie now finds itself pressed for imported provisions, as stated in this bulletin; for since this publication was made the Alvena, one of the larger ships of the Atlas line, has gone to Jérémie in spite of the blockade, and delivered considerable cargo taken at Kingston, Jamaica, including, according to report, a large quantity of arms and ammunition.

In writing me on the 9th instant Mr. Rouzier, our consular agent at Jérémie, says, in speaking of Pestel and Corail, two small towns near Jérémie:

> In Pestel and Corail the Government troops have been three times defeated, the defenders of the towns capturing some arms and ammunition. They [the Government troops] have not made their appearance here yet. The men here swear that they will give them the warmest reception they have ever had, and that if they do not attack they will go out to meet them.

* * * In this bulletin the Government says nothing of Miragoâne. It is understood that no fighting is being done there at this time, while

the insurgents still remain in possession of the place. It is claimed, however, that Bazelais and his companions in revolt, as well as the people generally remaining in Miragoâne, are now without provisions and water, and becoming sick and enfeebled for the want of proper food and drink. Indeed, many women and some men have already left the town, and report, it is said, that the insurgents there cannot maintain their position, if left to themselves, more than ten or fifteen days longer. But such statements are to be taken with many degrees of allowance.

* * * On the 2d of July there was a false alarm made as to a rising supposed to be occurring in this city. No revolt took place here and no unusual disturbance occurred in the prison. Within an hour from the commencement of what at first appeared to be a revolutionary movement, everything became usually quiet in Port-au-Prince and has remained so.

The business depression prevailing at this time in this country is certainly alarming and without prospect of early improvement; and yet the great body of the people seem to be entirely patient with the present administration of the government, hoping, seemingly, that it may be able finally to restore public peace.

I am, &c.,

JOHN MERCER LANGSTON.

No. 363.

Mr. Langston to Mr. Frelinghuysen.

No. 575.] LEGATION OF THE UNITED STATES,
Port-au-Prince, July 25, 1883. (Received August 8.)

SIR: The rebellion against this Government is extending itself, and the situation here is becoming more and more complicated. Yesterday it was reported at an early hour of the day that the city of Jacmel was in arms against the Government. The report proved to be true, and at 8 a. m. members of the diplomatic corps of this city were invited by note to meet His Excellency the President at the National Palace at 9 o'clock, to listen to an important communication which the President deemed it prudent to make to such gentlemen. The corps met His Excellency promptly at the hour named, when he informed us that Jacmel had taken up arms against the Government; that the commandant of the arrondissement, his own chief aide-de-camp, his delegate at Jacmel, and another prominent officer of the Government had been arrested and put in prison; and that he held the acting British vice-consul at Jacmel responsible for the existing condition of things, as he had received into his consulate persons inimical to the Government, and had allowed them not only to pass in and out of the consulate at their pleasure, but had allowed them to plot treason there, and finally accomplish the present condition of things at Jacmel, one of the chief cities of the Republic. He then asked the members of the corps not to grant such liberties as those indicated to persons taking refuge in their several legations; and to do not only what they could to secure the release especially of the persons arrested and imprisoned at Jacmel, but to instruct their several consular agents not to abuse the privilege that is granted in this country in connection with the reception of political refugees.

The members of the corps of course considered with becoming respect

all that was said by the President, but concluded that, so far as any charges existed, in the estimation of the Government, as regards the conduct of the British consular officer at Jacmel, such matter might constitute a proper subject of consideration by the Haytian and British authorities, but not for the corps; and that each member of the corps, as regards any efforts that might be made for the release of the prisoners referred to, and the instructions to be given to the consular agents as requested, must act in his own name and for himself in such behalf. Such were my views, and being the dean of the diplomatic corps, I did not hesitate to declare them at once and with plainness.

One or two of the members of the corps felt at first that it might be well to address our agents in a collective or identic instruction. To this, however, I objected, and, as stated, it was finally agreed that each representative should address his agents in his individual name and according to his own judgment.

It is understood by our agents in all parts of this Republic that the reception of political refugees into our consulates and agencies is in no way desirable, and is not to be adopted except in the most extreme and unavoidable cases, and then in accordance with the well-established and accepted principles and precedents pertaining to this subject. I am not advised that a single refugee is to be found in any one of our consulates or agencies at this time.

It is my duty to advise the Department that yesterday morning, after the meeting at the palace, while my colleagues of the diplomatic corps were in conference at this legation, the President sent to me by his private secretary a letter from one of his officers at Cape Haytien, with a passage therein marked, in which the statement was made, as a matter of complaint against our consul at the Cape, Mr. Goutier, that he was the source of certain "propagandas," to use the very word of the letter, against the Government. After reading the passage indicated, I explained fully to the secretary of the President that Mr. Goutier was not only an intelligent and judicious officer, but that he had always been favorably disposed to General Salomon and his Government, and, as I believed, would do nothing showing himself forgetful of his duty as our consul nor of his friendly regard for the President. I then read to the secretary Mr. Goutier's very last letter, dated the 18th instant, in which he gives me an account of the condition of affairs at the Cape, and speaks cordially of the President's actions as respects the maintenance of peace there. I thereupon asked the secretary to present as fully as might be my explanation as regards this subject to the President when he took his leave of me. I have no confidence in any report as regards a "propaganda" instigated by Mr. Goutier, and I shall be very much surprised to find that he does any other thing than that which accords with his duty as a conscientious and intelligent officer of our Government.

In view of the present condition of the country the Corps Legislatif conferred upon the President yesterday full plenary powers, to be used to conserve and maintain the public welfare, and thereupon adjourned without day.

Later yesterday the Government declared the arrondissements of Léogane, Port-au-Prince, and Jacmel to be in a state of siege, and the port of Jacmel blockaded.

To-day the Government has, by its proclamation, declared its purpose to maintain the public order and to vindicate its authority; and to that end calls upon all good citizens to sustain its endeavors.

I am, &c.,

JOHN MERCER LANGSTON.

No. 364.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 577.] LEGATION OF THE UNITED STATES,
Port-au-Prince, August 4, 1883. (Received Aug. 22.)

SIR: I have the honor to transmit, as herewith inclosed, a copy of a dispatch, with translation, dated the 25th ultimo, in which this legation is advised by Mr. Damier that by order of the President of Hayti of the 24th of last month the port of Jacmel has been put in a state of blockade.

* * * * * * *

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 577.]

Mr. Damier to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, July 25, 1883.

Mr. MINISTER: I have the honor to inform you that, by order of His Excellency the President of Hayti, of yesterday's date, the port of Jacmel has been put in a state of blockade.

You will be good enough, Mr. Minister, conformably to the provisions established by international law, to notify your Government thereof, and those of your citizens who have ships at this time in Hayti, in order that they cease all communication with the port of Jacmel, under pain of exposure to the ordinary consequences of the violation of the blockade.

The Government counts upon your loyalty and the relations of friendship that exist happily between your Government and Hayti to obtain from you, as regards your citizens, the positive stipulations and orders which the actual circumstances require, and which international law prescribes.

Please accept, &c.,

DAMIER.
Secretary of State for Foreign Affairs.

No. 365.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 581.] LEGATION OF THE UNITED STATES,
Port-au-Prince, August 7, 1882. (Received Aug. 22.)

SIR: I have the honor to advise the Department that on the 3d instant there occurred an engagement between the forces of the Government and the insurgents of Jacmel, in which the former were driven from the city, which they had entered, with a very heavy loss in killed and wounded. The loss of the insurgents is also said to have been very considerable. The exact number of killed and wounded on either side is not known.

The sad event, however, connected with this affair at Jacmel is the fact that, after the soldiers of the Government had been repulsed, the

insurgents shot some fourteen or more prisoners—as report has it—persons who had been arrested at the outbreak on the 23d of last month in Jacmel, and imprisoned because they were loyal to the Government of the country, and who have been held since as hostages against any attempt of the Government to subdue the rebels of that city. Among the number of the persons thus arrested, imprisoned, held, and finally shot were J. Vériquain, the chief of the aides-de-camp of the President of the Republic, an excellent officer and a man very much respected, a delegate of the Government at Jacmel at the time of his arrest; P. Aristide Désiré, the ex-commandant of the arrondissement of Jacmel, about to be reinstated when arrested; William Jean-Jacques, fils, acting commandant of the arrondissement, and some eleven or twelve others, said to be patriotic and faithful citizens, of more or less prominence and influence.

The Government, in a proclamation published yesterday afternoon, has declared its determination to avenge the death of these citizens at once, in the just and deserved punishment it will inflict upon those and their abetters, who have shot these innocent but loyal and worthy citizens and officers.

Profound popular excitement prevails now throughout the country, and it is very apparent that, with Miragoâne, Jérémie, and Jacmel in arms, with the demonstration made at the latter place on the 3d instant, the time has come for the Government to act in its defense and protection with wisdom, decision, and energy. It still, apparently, enjoys popular confidence, and all parts of the north seem to remain perfectly quiet. * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 366.

Mr. Langston to Mr. Frelinghuysen.

No. 591.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Nov. 20, 1883. (Received Dec. 13.)

SIR: During my absence on *congé* on the 22d and 23d of September last occurrences took place in Port-au-Prince in connection with the revolutionary movements of the country to which I deem it important even now to invite the attention of the Department in a statement which I have fully verified by careful and earnest investigation.

About midday of the 22d of September some twenty or thirty persons, known as Liberals, opposed to the present Government and in favor of the existing revolution, appeared armed in the streets of the capital, crying "Down with Salomon and long live the revolution!" These men proceeded at once with acts of violence and blood, among other things shooting and killing the commandant of the arrondissement, to the execution of their treasonable purposes. Very soon, however, finding that no general response of the people was made to their movements they skulked away, concealing themselves in private places or in several of the consulates here. Within, too, a half or three-quarters of an hour the Government brought its troops into action, and then followed a scene of popular excitement, in which the people and the soldiers bore conspicuous part, beggaring all description; but while all these

[Inclosuure in No. 551.—Translation.]

PROJECT.

PORT-AU-PRINCE, *May* 6, 1883.

The members of the diplomatic corps, John Mercer Langston, minister resident of the United States, Ernest Burdel, chargé d'affaires of France, C. Frensberg, consul of Germany, M. Garrido y Gill, consul of Spain, H. T. C. Hunt, in charge of Her Britannic Majesty's legation, A. Christiensen, consul of Italy, having assembled this day to devise ways and means to shorten the crisis which impedes affairs in the most disastrous manner throughout the extent of the Republic, and especially to put a stop to the effusion of blood in the struggle which is taking place at Miragoâne between Mr. Boyer Bazelais and his companions on the one part and the troops of the legal Government on the other—

Considering that the prolongation of the conflict in troubling more profoundly still the relations of their respective citizens, with the authorities and people of the provinces, can only multiply the abuses which are born of prejudice and passion in agitated times;

Considering that the inevitable, imminent triumph of the Government troops would conduce immediately and inevitably to excess and vengeance, to which the friends as well as the enemies of the Government are exposed in a city taken by assault;

For these reasons, moved by a sentiment of humanity, they have resolved to offer their amicable intervention to his excellency, the President of the Republic of Hayti, to secure the cessation of hostilities at Miragoâne.

To this end, they have adopted the following project, which shall be carried into effect as soon as the parties concerned shall have approved the following conditions:

ARTICLE 1.

Messrs. Boyer Bazelais and his companions shall immediately lay down the arms, munitions of war, and all engines whatever which they have brought with them, and which shall become the property of the state.

ARTICLE 2.

The Government agrees at the same time to protect their persons against ill-usage up to the day of their departure for such place in America as they shall desire.

JOHN MERCER LANGSTON.
ERN. BURDEL.
C. FRENSBERG.
GARRIDO Y GILL.
HUNT.
CHRISTIENSEN.

No. 358.

Mr. Langston to Mr. Frelinghuysen.

No. 558.] LEGATION OF THE UNITED STATES.
Port-au-Prince, May 30, 1883. (Received June 15.)

SIR: There has broken out at Jérémie a revolt against the Government, occurring within the last forty-eight hours. The regular troops of the Government and the national guards, the local military force of the city, were, at the time of its occurrence, absent at Miragoâne. These troops and guards have been ordered, with their commanding officers, back to Jérémie, and it is supposed by the President, with whom I have just spoken on the subject, that the revolt can and will be soon suppressed.

At Las Caobas, a small city of the interior, a few days ago, a similar attempt, though not so grave, was made in revolt against the Government, but was at once suppressed.

by the soldiers of the Government, without the slightest cause or provocation, as I am now advised.

These cases are all now being considered by me, and at an early day I shall bring them to the attention of the Haytian Government upon such demand for settlement as may seem to be just and reasonable under the circumstances.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 591.—Translation.]

ULTIMATUM.

PORT-AU-PRINCE, *September* 23, 1883.

PRESIDENT: We have the honor to announce to you that if the pillage, incendiarism, and murder which are being committed since yesterday in the capital by the soldiers of the Government, and particularly by the mob, do not cease before night the vessels of war in the harbor will take such measures as they shall judge necessary; that is to say, they will find themselves under the necessity not only of sweeping the streets of the one and the other, but moreover will be under the dire necessity of bombarding the forts and even your palace, where sufficient troops should be found to restore the necessary order and tranquillity in the capital.

Accept, &c..

H. T. C. HUNT,
In charge of H. B. M.'s Legation.
C. FRENSBERG,
Consul of Germany.
TH. SKEITBERG,
Vice-Consul of Greece and Consul of Belgium.
E. BURDEL,
Chargé d'Affaires of France.
ANT. ARANDA,
Consul of Spain.
HUGH TWEEDY,
Consul of Norway and Sweden.
HERMANN PETERS,
Consul-General of the Netherlands.

ITALY.

No. 367.

Mr. Richmond to Mr. Frelinghuysen.

[Extract.]

No. 16.] LEGATION OF THE UNITED STATES,
Rome, November 4, 1882. (Received November 20.)

SIR: I have the honor to report that the result of the general elections for members of the House of Deputies of the Italian Parliament, which took place on Sunday, the 29th October last, is most favorable to the present (Liberal) Government. No official statistics are as yet obtainable, but the following figures, taken from well-informed sources, may be considered as trustworthy as to the present composition of the House: Right center (Conservative), 100; 67; Left (Liberal), 255; Extreme left, 28; Socialists, 2. Total elected, 452. The deputies of the Center vote with the Government, as also about one-third of those of the Extreme left.

No. 360.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 560.] LEGATION OF THE UNITED STATES,
Port-au-Prince, June 9, 1883. (Received June 29.)

SIR: I have the honor to transmit, as herewith inclosed, a copy of a dispatch, with translation, received from Mr. Damier on the 6th instant, advising me that the port of Jérémie, by order of the President of Hayti, of the 5th instant, had been put in a state of blockade; and in which he asks me to advise my Government and citizens having ships now in Hayti of such blockade; stating, in closing his dispatch, that his Government reckons upon my fidelity and the friendly relations existing so happily between our Government and Hayti to obtain from me as regards our citizens the positive stipulations and orders which the actual circumstances require and international law prescribes.

* * * * * * *

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 560.—Translation.]

Mr. Damier to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au Prince, June 6, 1883.

Mr. MINISTER: I have the honor to inform you that, by order of His Excellency the President of Hayti, of the 5th instant, the port of Jérémie has been put in a state of blockade.

You will be pleased, Mr. Minister, conformably to the prescriptions established by international law, to advise your Government thereof and those of your citizens who have ships at this moment in Hayti, in order that they may cease all communication with the port of Jérémie, under pain of exposing themselves to the ordinary consequences of the violations of blockade.

The Government counts upon your fidelity and the relations of friendship which exist so happily between your Government and Hayti to obtain from you, as regards your citizens, the positive stipulations and orders which the actual circumstances require and international law prescribes.

Be pleased to accept, &c.,

DAMIER,
The Secretary of State of Foreign Relations.

No. 361.

Mr. Langston to Mr. Frelinghuysen.

No. 563.] LEGATION OF THE UNITED STATES,
Port-au-Prince, June 11, 1883. (Received June 29.)

SIR: The actual and prospective condition of Hayti is still in doubt. Up to this day Bazelais and his accomplices remain in possession and control of the city of Miragoâne. The arrondissements of the Grand Anse and Tiburon, with such cities therein located as Jérémie and Tiburon, are in positive and declared rebellion against the Government. These

Italian Government and the municipality of Rome for their graceful recognition of American genius.

The tablet is affixed to the house No. 17 Via dei Prefetti, and bears an inscription of which the following is a translation:

S. P. Q. R. In this house from the 20th of February, 1825, to January 5, 1826, resided Samuel Finley Breese Morse, the inventor of the electric telegraph. He was born in Charlestown, April 27, 1791, and died in New York April 2, 1872.

I have, &c.,

WILLIAM WALDORF ASTOR.

No. 369.

Mr. Richmond to Mr. Frelinghuysen.

No. 33.] LEGATION OF THE UNITED STATES,
Rome, August 3, 1883. (Received August 18.)

SIR: I have the honor to report that the news of the terrible earthquake on the island of Ischia, on the evening of the 28th ultimo, which destroyed the town of Casamicciola and devastated a large part of the towns of Lacco Ameno and Forio, was received in Rome on the day after; but as every following dispatch estimated the loss of human life as greater than the preceding, I have deferred writing upon the subject until something apparently definite could be reported.

Of the three towns visited by this earthquake, Casamicciola had a population by the last census of 4,217, and had on the 28th of July an estimated number of strangers, visitors to the baths, of about 1,500. Of this total of something under 6,500, nearly, if not quite, 3,000 persons are believed to have lost their lives. At Lacco Ameno, of a population of 2,000, about one-half have perished. At Forio d' Italia, out of something less than 7,000 inhabitants, about 1,000 are estimated to have met their deaths. Thus, of a total of a little under 15,000 of residents and strangers, some 5,000 human beings have fallen victims to this great calamity. In addition to this are the large numbers of wounded, who fill the hospitals of Naples and the temporary structures that have been erected upon the island.

The earthquake shock struck Casamicciola with crushing force. The place has literally ceased to exist, but three or four houses remaining of what was the most attractive watering place in Italy. In fifteen seconds it was reduced to a shapeless mass of rubbish, with the greater part of its inhabitants lifeless, or lying wounded and helpless amid the ruins of their homes. At Lacco Ameno the loss of life was equally great in proportion, although the material injury to the town did not extend to its entire destruction, as at Casamicciola. At Forio d' Italia, frightful as were the number of deaths, the percentage to the population was smaller, and the injury to the town proportionately less than at the two other places.

The island of Ischia is about five miles long by four in width. Its population was about 26,000, of which the greater part was gathered in six different towns, the three which have been the victims of this earthquake holding rather more than half the entire number. Casamicciola, which was situated near the base of the extinct volcano, Mount Epomeo,

has been celebrated for ages for its baths of various kinds, hot, vapor, mineral, sand, &c., and has been the resort of visitors from immemorial time. About two years ago it suffered from an earthquake, which occasioned the loss of about 125 lives, and it is understood that this last awful visitation was preceded by premonitory rumblings in the earth, of which, however, no thought was taken. Lacco Ameno, like Casamicciola, noted for its baths, is situated on the northern extremity of the island, and is a place of great resort. Forio d' Italia, on the western coast, is the shipping point of Ischia.

The shock took place at about 9.45 p. m., on Saturday, the 28th of July, and the telegraph office being destroyed, the tidings were taken to Naples, about twenty miles distant by a steamer, and in the morning help began to arrive, the survivors in the stricken cities passing the night in terror and in darkness. As soon as the news was made known every effort of the Government and of private parties was made for the relief of the sufferers; doctors, nurses, engineers, firemen, soldiers, and laborers, with supplies of all kinds were sent. The King of Italy at once went to Ischia, urging on the operations, which were under the personal direction of Signor Genela, the minister of public works; and by prompt and energetic action the wounded were properly cared for. Numbers were taken out alive as the work went on, in some instances from ruins where they had lain imprisoned for many hours. The transportation to and from Naples was cared for by the steamship companies, which had placed their steamers at the disposition of the authorities.

The excavations have already been interrupted on two occasions by slight tremblings of the earth, and again this day by another, more formidable in its character, and which was accompanied by some disturbance on Mount Epomeo before referred to, which has been quiet for nearly 600 years.

At this national calamity, which exceeds in its fatal consequences to human life that which buried the cities of Herculaneum and Pompeii, the whole heart of Italy is stirred, and sympathy, with material aid, is tendered from every quarter.

I have, &c.,

LEWIS RICHMOND.

No. 370.

Mr. Adee to Mr. Richmond.

No. 34.] DEPARTMENT OF STATE,
Washington, August 20, 1883.

SIR: I have to acknowledge the receipt of your No. 33, giving particulars of the late disastrous earthquake on the island of Ischia.

The news of this calamity was very distressing to the President and to the people of the United States, and you will kindly profit by an early opportunity to make known to His Majesty's Government the general deep sympathy with the relatives of those who perished in the catastrophe, which prevails throughout this country.

I am, &c.,

ALVEY A. ADEE,
Acting Secretary.

No. 371.

Mr. Astor to Mr. Frelinghuysen.

No. 42.] LEGATION OF THE UNITED STATES,
Rome, September 30, 1883. (Received October 22.)

SIR: I have the honor to inclose to you herewith a copy and translation of a note from the Italian ministry of foreign affairs in which the royal Government of Italy expresses its sincere gratitude towards the President and the people of the United States for their sympathy for the victims of the catastrophe of Ischia.

I have, &c.,

WILLIAM WALDORF ASTOR.

[Inclosure in No. 42.]

Mr. Mancini to Mr. Astor.

ROME, *September* 22, 1882.

ILLUSTRIOUS SIR: I received your esteemed note of the 20th instant, with which you had the kindness to make known to me the deep sympathy of the President, and of the people of the United of America, for the relatives of those who perished in the catastrophe on the island of Ischia.

In thanking you for this communication, I beg you to express to the President, and to the people of the United States, the sincere gratitude of the royal Government for the sympathy shown by them for the victims of the disaster that has desolated the island of Ischia.

Accept, &c.,

MANCINI.

JAPAN.

No. 372.

Mr. Bingham to Mr. Frelinghuysen.

No. 1573.] LEGATION OF THE UNITED STATES,
Tokio, October 4, 1882. (Received October 28.)

SIR: Referring to your instruction No. 679, of the 11th of August last, in relation to the 47th section of the British order in council of 1881, for China and Japan, I beg leave to acquaint you that I am in receipt of a communication from Mr. Consul Stahel, of date the 19th ultimo, in which he inclosed for my information a dispatch on the same subject, addressed to him by Mr. Mr. Woolley, Her Britannic Majesty's acting consul in Kobe, a copy of which dispatch of Mr. Woolley I have the honor to inclose herewith.

It is gratifying to note that Mr. Woolley recognizes and accepts what I said to Mr. Stahel in my instruction to him of the 1st of July last, a copy of which I had the honor to inclose with my dispatch to you, No. 1523, to wit: That British subjects could only claim the right to maintain civil actions in our consular courts in Japan upon the principle of mutual comity; in other words, whatever privileges were accorded by our Government in the premises to British subjects should be accorded

by Her Britannic Majesty's Government to American citizens in the British consular courts of Japan.

Understanding your said instruction No. 679 to approve my views in this behalf, and believing it my duty to respect the same, I have accordingly instructed Mr. Stahel by a dispatch of date the 2d instant that he should consent to the submission by citizens of the United States to the jurisdiction of British courts, as required by said section 47 of Her Majesty's order in council in all civil actions instituted by them against British subjects, upon condition expressly stated by our consul in his written consent to such submission, that a like submission should be made in all civil cases by British subjects who institute actions against American citizens in our consular courts in Japan. You will please observe that Mr. Woolley says to Consul Stahel—

Your consent, if given, will be considered as having been given upon this understanding, or, if you desire, it [your consent] may be accompanied by a statement that it is given upon this understanding.

I consider my advice to Consul Stahel on the 2d instant as herein reported to be in consonance with your instruction in your No. 679, that the comity we extend to British subjects in Japan "must of course" be extended to Americans suing in British consular courts in Japan.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure in No. 1573.]

Mr. Woolley to Mr. Stahel.

H. B. M.'s CONSULATE, HIOGO AND OSAKA,
September 15, 1882.

SIR: With reference to your dispatch of the 9th June, 1882, in which you pointed out to me your objections to giving your consent in the manner required by the 47th section of the China and Japan orders in council 1881, to the submission of American citizens to the jurisdiction of H. B. M.'s provincial court for Hiogo and Osaka, in cases in which they appear as plaintiffs against British subjects, I have now the honor, in compliance with instructions from Sir Harry Parkes, to furnish you with the opinion of Mr. Wilkinson, the crown advocate for China and Japan, on the abovementioned section.

Mr. Wilkinson is of opinion—

"1. That the formal submission to jurisdiction and the consent of the plaintiff's national authority to such submission gives to the court no more power or authority in the suit than it acquired under the old practice by the mere fact of the plaintiff's filing his petition.

"2. That the national authority in giving his consent to the petition undertakes no responsibility whatever for the execution of the judgment, and that the court, if it desires to see its judgment duly enforced, must take such security as may be necessary to attain that object.

"3. That Her Majesty's consuls, in any case where their consent is required to a British subject submitting as plaintiff to the jurisdiction of a foreign court in any suit in which he may in the ordinary course wish to institute in that court, ought to give such consent in cases instituted in their courts."

You will thus observe that the crown advocate is of opinion that Her Majesty's courts acquire by the foreign plaintiff's submission and his consul's consent thereto no further jurisdiction than they acquired under the old practice, tacitly or impliedly, by the mere fact of the petition being filed, and I hope, in view of this opinion, you will see your way to give your consent in any case that may hereafter arise.

Your consent, if given, will be considered as having been given upon this understanding, or, if you so desire, it may be accompanied by a statement that it is given upon this understanding.

I have, &c.,

W. A. WOOLLEY.

all that was said by the President, but concluded that, so far as any charges existed, in the estimation of the Government, as regards the conduct of the British consular officer at Jacmel, such matter might constitute a proper subject of consideration by the Haytian and British authorities, but not for the corps; and that each member of the corps, as regards any efforts that might be made for the release of the prisoners referred to, and the instructions to be given to the consular agents as requested, must act in his own name and for himself in such behalf. Such were my views, and being the dean of the diplomatic corps, I did not hesitate to declare them at once and with plainness.

One or two of the members of the corps felt at first that it might be well to address our agents in a collective or identic instruction. To this, however, I objected, and, as stated, it was finally agreed that each representative should address his agents in his individual name and according to his own judgment.

It is understood by our agents in all parts of this Republic that the reception of political refugees into our consulates and agencies is in no way desirable, and is not to be adopted except in the most extreme and unavoidable cases, and then in accordance with the well-established and accepted principles and precedents pertaining to this subject. I am not advised that a single refugee is to be found in any one of our consulates or agencies at this time.

It is my duty to advise the Department that yesterday morning, after the meeting at the palace, while my colleagues of the diplomatic corps were in conference at this legation, the President sent to me by his private secretary a letter from one of his officers at Cape Haytien, with a passage therein marked, in which the statement was made, as a matter of complaint against our consul at the Cape, Mr. Goutier, that he was the source of certain "propagandas," to use the very word of the letter, against the Government. After reading the passage indicated, I explained fully to the secretary of the President that Mr. Goutier was not only an intelligent and judicious officer, but that he had always been favorably disposed to General Salomon and his Government, and, as I believed, would do nothing showing himself forgetful of his duty as our consul nor of his friendly regard for the President. I then read to the secretary Mr. Goutier's very last letter, dated the 18th instant, in which he gives me an account of the condition of affairs at the Cape, and speaks cordially of the President's actions as respects the maintenance of peace there. I thereupon asked the secretary to present as fully as might be my explanation as regards this subject to the President when he took his leave of me. I have no confidence in any report as regards a "propaganda" instigated by Mr. Goutier, and I shall be very much surprised to find that he does any other thing than that which accords with his duty as a conscientious and intelligent officer of our Government.

In view of the present condition of the country the Corps Legislatif conferred upon the President yesterday full plenary powers, to be used to conserve and maintain the public welfare, and thereupon adjourned without day.

Later yesterday the Government declared the arrondissements of Léogane, Port-au-Prince, and Jacmel to be in a state of siege, and the port of Jacmel blockaded.

To-day the Government has, by its proclamation, declared its purpose to maintain the public order and to vindicate its authority; and to that end calls upon all good citizens to sustain its endeavors.

I am, &c.,

JOHN MERCER LANGSTON.

No. 364.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 577.] LEGATION OF THE UNITED STATES,
Port-au-Prince, August 4, 1883. (Received Aug. 22.)

SIR: I have the honor to transmit, as herewith inclosed, a copy of a dispatch, with translation, dated the 25th ultimo, in which this legation is advised by Mr. Damier that by order of the President of Hayti of the 24th of last month the port of Jacmel has been put in a state of blockade.

* * * * * * *

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 577.]

Mr. Damier to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, July 25, 1883.

Mr. MINISTER: I have the honor to inform you that, by order of His Excellency the President of Hayti, of yesterday's date, the port of Jacmel has been put in a state of blockade.

You will be good enough, Mr. Minister, conformably to the provisions established by international law, to notify your Government thereof, and those of your citizens who have ships at this time in Hayti, in order that they cease all communication with the port of Jacmel, under pain of exposure to the ordinary consequences of the violation of the blockade.

The Government counts upon your loyalty and the relations of friendship that exist happily between your Government and Hayti to obtain from you, as regards your citizens, the positive stipulations and orders which the actual circumstances require, and which international law prescribes.

Please accept, &c.,

DAMIER.
Secretary of State for Foreign Affairs.

No. 365.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 581.] LEGATION OF THE UNITED STATES,
Port-au-Prince, August 7, 1882. (Received Aug. 22.)

SIR: I have the honor to advise the Department that on the 3d instant there occurred an engagement between the forces of the Government and the insurgents of Jacmel, in which the former were driven from the city, which they had entered, with a very heavy loss in killed and wounded. The loss of the insurgents is also said to have been very considerable. The exact number of killed and wounded on either side is not known.

The sad event, however, connected with this affair at Jacmel is the fact that, after the soldiers of the Government had been repulsed, the

insurgents shot some fourteen or more prisoners—as report has it—persons who had been arrested at the outbreak on the 23d of last month in Jacmel, and imprisoned because they were loyal to the Government of the country, and who have been held since as hostages against any attempt of the Government to subdue the rebels of that city. Among the number of the persons thus arrested, imprisoned, held, and finally shot were J. Vériquain, the chief of the aides-de-camp of the President of the Republic, an excellent officer and a man very much respected, a delegate of the Government at Jacmel at the time of his arrest; P. Aristide Désiré, the ex-commandant of the arrondissement of Jacmel, about to be reinstated when arrested; William Jean-Jacques, fils, acting commandant of the arrondissement, and some eleven or twelve others, said to be patriotic and faithful citizens, of more or less prominence and influence.

The Government, in a proclamation published yesterday afternoon, has declared its determination to avenge the death of these citizens at once, in the just and deserved punishment it will inflict upon those and their abetters, who have shot these innocent but loyal and worthy citizens and officers.

Profound popular excitement prevails now throughout the country, and it is very apparent that, with Miragoâne, Jérémie, and Jacmel in arms, with the demonstration made at the latter place on the 3d instant, the time has come for the Government to act in its defense and protection with wisdom, decision, and energy. It still, apparently, enjoys popular confidence, and all parts of the north seem to remain perfectly quiet. * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 366.

Mr. Langston to Mr. Frelinghuysen.

No. 591.] LEGATION OF THE UNITED STATES,
Port-au-Prince, Nov. 20, 1883. (Received Dec. 13.)

SIR: During my absence on *congé* on the 22d and 23d of September last occurrences took place in Port-au-Prince in connection with the revolutionary movements of the country to which I deem it important even now to invite the attention of the Department in a statement which I have fully verified by careful and earnest investigation.

About midday of the 22d of September some twenty or thirty persons, known as Liberals, opposed to the present Government and in favor of the existing revolution, appeared armed in the streets of the capital, crying "Down with Salomon and long live the revolution!" These men proceeded at once with acts of violence and blood, among other things shooting and killing the commandant of the arrondissement, to the execution of their treasonable purposes. Very soon, however, finding that no general response of the people was made to their movements they skulked away, concealing themselves in private places or in several of the consulates here. Within, too, a half or three-quarters of an hour the Government brought its troops into action, and then followed a scene of popular excitement, in which the people and the soldiers bore conspicuous part, beggaring all description; but while all these

seemed loyal, even devoted to Salomon and his administration, their demonstrations in that regard were shown in such displays of ungovernable violence, the firing of property, its destruction and pillage, as to terrify and sicken the heart. The number of lives lost was not large. The amount of property destroyed was immense, as one will perceive when it is stated that the very heart of the city, where the best and most valuable buildings, aggregating hundreds, were located, was left a charred and ghastly waste. The events of the first day of which I write were sad enough, and it was generally hoped that they would close the frightful drama of carnage and ruin which was being performed in the capital of this revolution-cursed country.

The 23d of the month, Sabbath, dawned auspiciously in seeming peace and quiet. It was felt that the storm of violence and destruction had passed, and order restored would be, for the time being at least, maintained. Such, however, was not to be the case. Early in the day General Piquant, commanding officer of the Government, formerly secretary of state of war, who had been wounded in a late engagement against the insurgents at Miragoâne, was landed in Port-au-Prince, and when his arrival and his condition became known in the city the wildest, most destructive popular furor broke forth again. The lives and property of any persons known or suspected of entertaining sympathy for the insurgents, or inimical purposes towards the Government, were generally in danger, and in very many cases certainly, as regards their property, destroyed. On this day so unmanageable and indiscreet was the fury of the people and the soldiers that, as respects Haytians and foreigners and the destruction of their property, even in the use of cannon, weapons, and kerosene oil and torches for setting fire, the least possible discrimination was made. No respect was really had finally for foreign flags, so that, eventually, the different legations and consulates, with their occupants, might be suitably protected, the diplomatic and consular officers residing in this capital, having war vessels in this harbor, had troops landed therefrom, and, in form of an ultimatum to the Government, demanded that the existing disorder, the destruction of life and property, as well as pillaging, be stopped by it, or force would be employed to that end, even to the bombarding of the national palace. Order was restored, and the ravages of the infuriated populace and ungoverned and disorderly soldiery were stopped. It is said that the troops, coming from English, French, and Spanish war vessels, were landed with permission of the Government. There was no American man-of-war in the port at the time, and our vice-consul-general, in the exercise of a wise discretion, did not sign the ultimatum referred to. I have the honor to transmit, as herewith inclosed, a copy of the ultimatum as translated.

In the general destruction of property on the 22d and 23d of last September the records, books, papers, and furniture of the department of state of foreign affairs, finances, and commerce were wholly destroyed, except, perhaps, two registers of bonds issued. This will, of course, entail the greatest possible inconvenience upon those who have heretofore been doing business with this department, and whose correspondence, as is the case with this legation, has been thus destroyed.

In connection with the occurrences mentioned I have to advise the Department that four American citizens, namely, Messrs. C. W. Mossell, Eugene V. Garrido, Richard Allen, and Mrs. Maria Hamilton, lost considerable amounts of property; and the first two named persons, especially Mr. Mossell, a missionary of the African Methodist Episcopal church, with his wife and child, were very shamefully maltreated even

by the soldiers of the Government, without the slightest cause or provocation, as I am now advised.

These cases are all now being considered by me, and at an early day I shall bring them to the attention of the Haytian Government upon such demand for settlement as may seem to be just and reasonable under the circumstances.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 591.—Translation.]

ULTIMATUM.

PORT-AU-PRINCE, *September* 23, 1883.

PRESIDENT: We have the honor to announce to you that if the pillage, incendiarism, and murder which are being committed since yesterday in the capital by the soldiers of the Government, and particularly by the mob, do not cease before night the vessels of war in the harbor will take such measures as they shall judge necessary; that is to say, they will find themselves under the necessity not only of sweeping the streets of the one and the other, but moreover will be under the dire necessity of bombarding the forts and even your palace, where sufficient troops should be found to restore the necessary order and tranquillity in the capital.

Accept, &c..

H. T. C. HUNT,
In charge of H. B. M.'s Legation.
C. FRENSBERG,
Consul of Germany.
TH. SKEITBERG,
Vice-Consul of Greece and Consul of Belgium.
E. BURDEL,
Chargé d' Affaires of France.
ANT. ARANDA,
Consul of Spain.
HUGH TWEEDY,
Consul of Norway and Sweden.
HERMANN PETERS,
Consul-General of the Netherlands.

ITALY.

No. 367.

Mr. Richmond to Mr. Frelinghuysen.

[Extract.]

No. 16.] LEGATION OF THE UNITED STATES,
Rome, November 4, 1882. (Received November 20.)

SIR: I have the honor to report that the result of the general elections for members of the House of Deputies of the Italian Parliament, which took place on Sunday, the 29th October last, is most favorable to the present (Liberal) Government. No official statistics are as yet obtainable, but the following figures, taken from well-informed sources, may be considered as trustworthy as to the present composition of the House: Right center (Conservative), 100; 67; Left (Liberal), 255; Extreme left, 28; Socialists, 2. Total elected, 452. The deputies of the Center vote with the Government, as also about one-third of those of the Extreme left.

This gives the Government a strength of about 332 votes out of 452, the present number of deputies elected. The full House, however, has 508 members, and the 56 wanting to complete the roll will be voted for on Sunday, the 5th instant. These vacancies are caused in some instances by a failure of candidates to obtain the requisite number of votes, and in other cases by different members of the ministry being elected by several constituencies, though they can represent but one; it is believed, however, that when these vacancies are filled, while there will be no material change in the completion of the House, the Government will receive still further accessions.

The electoral law of 1882 by its liberal provisions practically established free suffrage for all the male subjects of the King of Italy who can read and write, and have attained the age of twenty-one years, thus consequently largely increasing the number of electors.

Number of voters inscribed on electoral list, 1881	626,371
Number of voters inscribed on electoral list, 1882	1,507,325
An increase by the new electoral law of	880,954

This large addition to the number of inscribed voters was not however followed by a corresponding increase in the number of ballots cast on the 29th ultimo; the vote, on the contrary, was very light. The official numbers are not yet known, but I am informed from ministerial sources that it is roughly estimated that only about 800,000 voters went to the polls. This unexpected abstinence may be partly attributed to the disastrous floods which have devastated broad districts of Northern Italy and prevented thousands from exercising their rights as electors, in a greater degree perhaps to the tempestuous storm of wind and rain which raged over the country on the day of election, and finally to there being no question involved in the issue calculated to arouse party spirit and call out a stronger expression of opinion.

The voting in Rome and throughout the Kingdom, with the single exception of Leghorn, where there were some slight disturbances, passed off in the most perfect quiet.

* * * * * * *

I am, &c.,

LEWIS RICHMOND,
Chargé d'Affaires ad interim.

No. 368.

Mr. Astor to Mr. Frelinghuysen.

No. 8.] LEGATION OF THE UNITED STATES,
Rome, March 6, 1883. (Received March 26.)

SIR: I have the honor to report that the unveiling of a tablet commemorative of the sojourn in Rome of Samuel F. B. Morse, the inventor of electric telegraphy, took place yesterday. The ceremony was interesting as being the first time the honor has been accorded to the memory of an American. A considerable assemblage was present, and addresses were made by Mr. Placidi, representing the municipality, and Mr. D'Amico, director general of telegraphs, representing the minister of public works. In reply I tendered the thanks of my countrymen to the

Italian Government and the municipality of Rome for their graceful recognition of American genius.

The tablet is affixed to the house No. 17 Via dei Prefetti, and bears an inscription of which the following is a translation:

S. P. Q. R. In this house from the 20th of February, 1825, to January 5, 1826, resided Samuel Finley Breese Morse, the inventor of the electric telegraph. He was born in Charlestown, April 27, 1791, and died in New York April 2, 1872.

I have, &c.,

WILLIAM WALDORF ASTOR.

No. 369.

Mr. Richmond to Mr. Frelinghuysen.

No. 33.] LEGATION OF THE UNITED STATES,
Rome, August 3, 1883. (Received August 18.)

SIR: I have the honor to report that the news of the terrible earthquake on the island of Ischia, on the evening of the 28th ultimo, which destroyed the town of Casamicciola and devastated a large part of the towns of Lacco Ameno and Forio, was received in Rome on the day after; but as every following dispatch estimated the loss of human life as greater than the preceding, I have deferred writing upon the subject until something apparently definite could be reported.

Of the three towns visited by this earthquake, Casamicciola had a population by the last census of 4,217, and had on the 28th of July an estimated number of strangers, visitors to the baths, of about 1,500. Of this total of something under 6,500, nearly, if not quite, 3,000 persons are believed to have lost their lives. At Lacco Ameno, of a population of 2,000, about one-half have perished. At Forio d' Italia, out of something less than 7,000 inhabitants, about 1,000 are estimated to have met their deaths. Thus, of a total of a little under 15,000 of residents and strangers, some 5,000 human beings have fallen victims to this great calamity. In addition to this are the large numbers of wounded, who fill the hospitals of Naples and the temporary structures that have been erected upon the island.

The earthquake shock struck Casamicciola with crushing force. The place has literally ceased to exist, but three or four houses remaining of what was the most attractive watering place in Italy. In fifteen seconds it was reduced to a shapeless mass of rubbish, with the greater part of its inhabitants lifeless, or lying wounded and helpless amid the ruins of their homes. At Lacco Ameno the loss of life was equally great in proportion, although the material injury to the town did not extend to its entire destruction, as at Casamicciola. At Forio d' Italia, frightful as were the number of deaths, the percentage to the population was smaller, and the injury to the town proportionately less than at the two other places.

The island of Ischia is about five miles long by four in width. Its population was about 26,000, of which the greater part was gathered in six different towns, the three which have been the victims of this earthquake holding rather more than half the entire number. Casamicciola, which was situated near the base of the extinct volcano, Mount Epomeo,

by that of the United States, in pursuance of the stipulations of the convention concluded with Japan on the 22d October, 1864, known as the "Simonoseki" indemnity convention.

It is made my agreeable duty under my instruction to express to your excellency the satisfaction felt by the President that he is enabled by this action of Congress to carry out the desire long entertained by the Government of the United States to return this money, and that the President does not doubt it will be accepted by your excellency's Government as an additional evidence of the friendly interest of the Government of the United States in everything that concerns the welfare and progress of the people and Government of Japan.

I shall wait upon your excellency in person this day, prepared to deliver and duly indorse the said draft of my Government in such manner as it may please you to designate.

I beg leave to renew to your excellency the assurance of my highest consideration.

JOHN A. BINGHAM.

No. 377.

Mr. Bingham to Mr. Frelinghuysen.

No. 1677.] LEGATION OF THE UNITED STATES,
Tokio, May 9, 1883. (Received June 7.)

SIR: Referring to my No. 1671, of date the 20th April ultimo, in relation to the Treasury draft for the payment of the money to His Imperial Japanese Majesty's Government, appropriated by the act of Congress approved 22d of February last, on account of the Simonoseki indemnity, I have the honor to further acquaint you that, on the 22d instant, his excellency Mr. Inouye, His Majesty's minister for foreign affairs, addressed a communication to me in reply to my note to him of date the 19th of April last (a copy of which last-named note I had the honor to inclose with my said No. 1671) wherein the minister was pleased among other things to say, that "it is a source of satisfaction to me (him) to be able to assure your excellency in reply (to my note of 19th of April) that His Imperial Majesty's Government regards the spontaneous return of the money which was paid by the Government of Japan to that of the United States under the convention of October 22, 1864, not only as an additional proof of the friendly disposition of your excellency's Government towards His Imperial Majesty's Government, but as a strong manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan, and it will, I am convinced, tend to perpetuate and strengthen the mutual confidence, and the feeling of cordial good-will and friendship which at present happily subsist between the people of our respective countries."

The minister, as you will observe in this communication of the 22d ultimo (a copy of which I have the honor to inclose herewith), after requesting that I should indorse the Treasury draft to his order as His Imperial Majesty's minister for foreign affairs, adds a request that I would "be pleased to convey to the President of the United States the sentiments contained" in his said communication.

The minister having called on me to thank me in person for my note of the 19th instant before the receipt of the foregoing communication, and having then verbally requested that I should indorse the draft to his order in his official capacity, I did, on the 23d ultimo and before the receipt by me of the inclosed communication of the minister dated the 22d instant, address a note to the minister (a copy of which is inclosed), and transmitted therewith the draft indorsed to his order as His Majesty's minister for foreign affairs.

No. 371.

Mr. Astor to Mr. Frelinghuysen.

No. 42.] LEGATION OF THE UNITED STATES,
Rome, September 30, 1883. (Received October 22.)

SIR: I have the honor to inclose to you herewith a copy and translation of a note from the Italian ministry of foreign affairs in which the royal Government of Italy expresses its sincere gratitude towards the President and the people of the United States for their sympathy for the victims of the catastrophe of Ischia.

I have, &c.,

WILLIAM WALDORF ASTOR.

[Inclosure in No. 42.]

Mr. Mancini to Mr. Astor.

ROME, *September* 22, 1883.

ILLUSTRIOUS SIR: I received your esteemed note of the 20th instant, with which you had the kindness to make known to me the deep sympathy of the President, and of the people of the United of America, for the relatives of those who perished in the catastrophe on the island of Ischia.

In thanking you for this communication, I beg you to express to the President, and to the people of the United States, the sincere gratitude of the royal Government for the sympathy shown by them for the victims of the disaster that has desolated the island of Ischia.

Accept, &c.,

MANCINI.

JAPAN.

No. 372.

Mr. Bingham to Mr. Frelinghuysen.

No. 1573.] LEGATION OF THE UNITED STATES,
Tokio, October 4, 1882. (Received October 28.)

SIR: Referring to your instruction No. 679, of the 11th of August last, in relation to the 47th section of the British order in council of 1881, for China and Japan, I beg leave to acquaint you that I am in receipt of a communication from Mr. Consul Stahel, of date the 19th ultimo, in which he inclosed for my information a dispatch on the same subject, addressed to him by Mr. Mr. Woolley, Her Britannic Majesty's acting consul in Kobe, a copy of which dispatch of Mr. Woolley I have the honor to inclose herewith.

It is gratifying to note that Mr. Woolley recognizes and accepts what I said to Mr. Stahel in my instruction to him of the 1st of July last, a copy of which I had the honor to inclose with my dispatch to you, No. 1523, to wit: That British subjects could only claim the right to maintain civil actions in our consular courts in Japan upon the principle of mutual comity; in other words, whatever privileges were accorded by our Government in the premises to British subjects should be accorded

by Her Britannic Majesty's Government to American citizens in the British consular courts of Japan.

Understanding your said instruction No. 679 to approve my views in this behalf, and believing it my duty to respect the same, I have accordingly instructed Mr. Stahel by a dispatch of date the 2d instant that he should consent to the submission by citizens of the United States to the jurisdiction of British courts, as required by said section 47 of Her Majesty's order in council in all civil actions instituted by them against British subjects, upon condition expressly stated by our consul in his written consent to such submission, that a like submission should be made in all civil cases by British subjects who institute actions against American citizens in our consular courts in Japan. You will please observe that Mr. Woolley says to Consul Stahel—

> Your consent, if given, will be considered as having been given upon this understanding, or, if you desire, it [your consent] may be accompanied by a statement that it is given upon this understanding.

I consider my advice to Consul Stahel on the 2d instant as herein reported to be in consonance with your instruction in your No. 679, that the comity we extend to British subjects in Japan "must of course" be extended to Americans suing in British consular courts in Japan.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure in No. 1573.]

Mr. Woolley to Mr. Stahel.

H. B. M.'s CONSULATE, HIOGO AND OSAKA,
September 15, 1882.

SIR: With reference to your dispatch of the 9th June, 1882, in which you pointed out to me your objections to giving your consent in the manner required by the 47th section of the China and Japan orders in council 1881, to the submission of American citizens to the jurisdiction of H. B. M.'s provincial court for Hiogo and Osaka, in cases in which they appear as plaintiffs against British subjects, I have now the honor, in compliance with instructions from Sir Harry Parkes, to furnish you with the opinion of Mr. Wilkinson, the crown advocate for China and Japan, on the above-mentioned section.

Mr. Wilkinson is of opinion—

"1. That the formal submission to jurisdiction and the consent of the plaintiff's national authority to such submission gives to the court no more power or authority in the suit than it acquired under the old practice by the mere fact of the plaintiff's filing his petition.

"2. That the national authority in giving his consent to the petition undertakes no responsibility whatever for the execution of the judgment, and that the court, if it desires to see its judgment duly enforced, must take such security as may be necessary to attain that object.

"3. That Her Majesty's consuls, in any case where their consent is required to a British subject submitting as plaintiff to the jurisdiction of a foreign court in any suit in which he may in the ordinary course wish to institute in that court, ought to give such consent in cases instituted in their courts."

You will thus observe that the crown advocate is of opinion that Her Majesty's courts acquire by the foreign plaintiff's submission and his consul's consent thereto no further jurisdiction than they acquired under the old practice, tacitly or impliedly, by the mere fact of the petition being filed, and I hope, in view of this opinion, you will see your way to give your consent in any case that may hereafter arise.

Your consent, if given, will be considered as having been given upon this understanding, or, if you so desire, it may be accompanied by a statement that it is given upon this understanding.

I have, &c.,

W. A. WOOLLEY.

No. 373.

Mr. Bingham to Mr. Frelinghuysen.

No. 1595.] LEGATION OF THE UNITED STATES,
Tokio, November 29, 1882. (Received Dec. 26.)

SIR: Herewith I have the honor to inclose a translation, as published in the Japan Daily Mail, of the new treaty recently concluded, ratified, and exchanged between the Governments of Japan and Corea.

You will observe that in this treaty as published there is no mention of the $550,000 indemnity which Corea covenanted to pay to Japan. It is reported that this Government in consideration of the poverty of Corea has remitted the indemnity, or postponed for a term of years its payment.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure in No. 1595.]

The Corean treaty.

Their excellencies Saujo, prime minister, and Inouye, minister for foreign affairs, conjointly issued a notification on the 22d instant to the effect that friendly treaties have further been concluded and interchanged between Japan and Corea as follows:

I, the Emperor of Japan, who, by the blessing of Heaven, ascended the throne of an unbroken imperial line, having examined the friendly treaties concluded at Saibutsuho, Corea, between the Japanese envoy, Hanabusa, and the two Corean ministers, Ri Yugen, chief commissioner, and Kin Koshin, vice-commissioner, on the 30th of August, in the 15th year of Meiji (1882), and finding that they exactly correspond with my ideas, hereby ratify all the items.

In the year 2542 after the accession of the Emperor Jimmu Tenno (30th of October, in the 15th year of Meiji).

Given under my hand and seal, at my palace in Tokio.

MUTSUHITO, *Mikado.*

In order to consolidate mutual friendship and facilitate commercial transactions between Japan and Corea, the two following clauses have been supplemented to the treaty:

1. The treaty limits to be observed in Wón-San, Pusan, and In-chhŏn, will for the present be extended to fifty Corean *ri* (about 12 miles), and after two years (from the date of ratification) the said limits will be extended to a hundred *ri* in all directions.

NOTE.—After one year from date Yau-hwa-chiu will be opened to commerce.

2. Permission will be granted freely to Japanese envoys, consuls, and their subordinates to travel in the interior of Corea.

The foreign office will provide such travelers with passports in which the exact destination is mentioned, and the local authorities must, on examination of passports, take measures to convey their holders to their destination.

We, the special commissioners of the two countries, have framed the above two clauses according to the instruction of our sovereigns, and have affixed our seals. We will apply for a special ratification and interchange the treaty within two months in Tokiyo, Japan.

August 20, fifteenth year of Meiji, July 17, the year 491 (Corean era).

HANABUSA YOSHITADA,
Japanese Envoy.
RI YUGEN,
Chief Commissioner of Corea.
KIN KOSHIN,
Vice-Commissioner of Corea.

FIYU SHIMBUN.

No. 374.

Mr. Frelinghuysen to Mr. Bingham.

No. 725.] DEPARTMENT OF STATE,
Washington, March 21, 1883.

SIR: I inclose herewith a draft on the Treasury of the United States for the sum of $785,000.87 payable to my order as Secretary of State of the United States and made payable to your order by my indorsement thereon.

The sum above named you are instructed to pay to the Government of Japan in fulfillment of the act of Congress on the 22d of February, 1883, providing for the reimbursement to the Government of Japan of the amount received from that Government by the United States in pursuance of the stipulations of the convention concluded with Japan on the 22d of October, 1864, and denominated in general phrase as the "Simonoseki" indemnity.

In discharging the duty imposed upon you by this instruction, you will take occasion to express to the minister for foreign affairs of Japan the satisfaction which the President feels in being enabled by the action of Congress to carry out the desire long entertained by this Government to return this money to Japan, and that he does not doubt but that it will be accepted by that Government as an additional evidence, if such were needed, of the friendly interest felt by the Government of the United States in everything that concerns the welfare and progress of the people and Government of that country.

I inclose a copy of the act of Congress referred to.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosures.]

Draft on the Treasury of the United States for $785,000.87, No. B, 10651, dated March 21, 1883.

Act of Congress, approved February 22, 1883.

No. 375.

Mr. Bingham to Mr. Frelinghuysen.

No. 1664.] LEGATION OF THE UNITED STATES,
Tokio, April 14, 1883. (Received May 24.)

SIR: Referring to instruction No. 719, of date the 7th ultimo, in which you were pleased to acquaint me of the appointment of Mr. Foote to be envoy extraordinary and minister plenipotentiary of the United States to Corea, I beg leave to say that on the 6th instant and before the receipt of your instruction, Mr. Inouye, His Majesty's minister for foreign affairs, having sent me a copy of a telegram stating that Mr. Foote had sailed from San Francisco on the 29th ultimo for Corea, I called on the minister to thank him for the telegram, when he took occasion to say that this action of our Government in ratifying so promptly its treaty with Corea and accrediting a minister to that Kingdom gave great satisfaction to His Imperial Japanese Majesty's Government, and was accepted as another evidence of the policy of justice so often manifested

by the United States towards the eastern states of Asia. He also said that it was considered an act of friendship towards Japan as well as Corea. I but anticipated your instruction in assuring the minister that he interpreted aright the purposes of our Government in the action it had taken to promote the interests of both countries, and that our Government is desirous to draw into lasting friendly relations with the United States all the countries of the East.

I have, &c.,

JNO. A. BINGHAM.

No. 376.

Mr. Bingham to Mr. Frelinghuysen.

No. 1671.] LEGATION OF THE UNITED STATES,
Tokio, April 30, 1883. (Received May 24.)

SIR: In accordance with your instruction No. 725, dated March 21 last, which reached me yesterday, together with the inclosures therein mentioned, and especially the draft on the Treasury of the United States for the sum of $785,000.87, payable to your order, and by you indorsed to my order, I have officially addressed to his excellency Mr. Inouye, His Imperial Majesty's minister for foreign affairs, a note dated the 19th instant (a copy of which is inclosed herewith), acquainting him of the receipt of the draft and of my desire to deliver it in person and to indorse it to such officer of His Majesty's Government as he may name. You will please observe that I have fully set forth in my note to Mr. Inouye the object of the payment of this sum to his Government, and have also expressed the President's satisfaction in being enabled by the act of Congress to refund this money heretofore paid by Japan to our Government in pursuance of the stipulations of the Simonoseki indemnity convention of 1864.

I have not yet received any official reply from Mr. Inouye. I called at his house and office yesterday with the draft, but he was not at home. He has to-day sent his messenger to explain his absence and to assure me of his desire to respond to my dispatch. I would await his reply, but as the mail for America is expected to close to-morrow, I think it my duty to prepare and make this report at once. I have no doubt the draft will be gratefully accepted and acknowledged by this Government.

I have, &c.,

JOHN A. BINGHAM.

[Inclosure to 1671.]

Mr. Bingham to Mr. Inouye.

UNITED STATES LEGATION,
Tokio, Japan, April 19, 1883.

SIR: It gives me great pleasure to acquaint your excellency that I am this morning in the receipt of an instruction from my Government inclosing a draft, dated March 21, 1883, on the Treasury of the United States, Washington, D. C., payable to the order of the honorable the Secretary of State of the United States of America, and by the honorable Secretary of State indorsed to my order, calling for the sum of $785,000.87, which sum I am instructed to pay to the Government of His Imperial Japanese Majesty in fulfillment of the act of Congress of the 22d of February A. D. 1883, an official copy of which act of Congress I have the honor to inclose herewith, which provides for the reimbursement of the amount received from your Government

by that of the United States, in pursuance of the stipulations of the convention concluded with Japan on the 22d October, 1864, known as the "Simonoseki" indemnity convention.

It is made my agreeable duty under my instruction to express to your excellency the satisfaction felt by the President that he is enabled by this action of Congress to carry out the desire long entertained by the Government of the United States to return this money, and that the President does not doubt it will be accepted by your excellency's Government as an additional evidence of the friendly interest of the Government of the United States in everything that concerns the welfare and progress of the people and Government of Japan.

I shall wait upon your excellency in person this day, prepared to deliver and duly indorse the said draft of my Government in such manner as it may please you to designate.

I beg leave to renew to your excellency the assurance of my highest consideration.

JOHN A. BINGHAM.

No. 377.

Mr. Bingham to Mr. Frelinghuysen.

No. 1677.] LEGATION OF THE UNITED STATES,
Tokio, May 9, 1883. (Received June 7.)

SIR: Referring to my No. 1671, of date the 20th April ultimo, in relation to the Treasury draft for the payment of the money to His Imperial Japanese Majesty's Government, appropriated by the act of Congress approved 22d of February last, on account of the Simonoseki indemnity, I have the honor to further acquaint you that, on the 22d instant, his excellency Mr. Inouye, His Majesty's minister for foreign affairs, addressed a communication to me in reply to my note to him of date the 19th of April last (a copy of which last-named note I had the honor to inclose with my said No. 1671) wherein the minister was pleased among other things to say, that "it is a source of satisfaction to mé (him) to be able to assure your excellency in reply (to my note of 19th of April) that His Imperial Majesty's Government regards the spontaneous return of the money which was paid by the Government of Japan to that of the United States under the convention of October 22, 1864, not only as an additional proof of the friendly disposition of your excellency's Government towards His Imperial Majesty's Government, but as a strong manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan, and it will, I am convinced, tend to perpetuate and strengthen the mutual confidence, and the feeling of cordial good-will and friendship which at present happily subsist between the people of our respective countries."

The minister, as you will observe in this communication of the 22d ultimo (a copy of which I have the honor to inclose herewith), after requesting that I should indorse the Treasury draft to his order as His Imperial Majesty's minister for foreign affairs, adds a request that I would "be pleased to convey to the President of the United States the sentiments contained" in his said communication.

The minister having called on me to thank me in person for my note of the 19th instant before the receipt of the foregoing communication, and having then verbally requested that I should indorse the draft to his order in his official capacity, I did, on the 23d ultimo and before the receipt by me of the inclosed communication of the minister dated the 22d instant, address a note to the minister (a copy of which is inclosed), and transmitted therewith the draft indorsed to his order as His Majesty's minister for foreign affairs.

To this note his excellency made reply, under date the 26th ultimo (a copy of which is herewith inclosed), wherein the acknowledgment is made of the Treasury draft as dated 2d March, 1883, payable to your order, and indorsed to the order of Mr. Inouye, His Imperial Japanese Majesty's minister for foreign affairs, and stating that "the draft calls for $785,000.87, and is paid to His Imperial Majesty's Government in fulfillment of the act of Congress approved February 22, 1883."

Allow me to add that it was fitting that this act of justice and liberality should be approved, as it was, by the President on the anniversary of the nativity of the Father of our Country.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 1677.—Translation.]

Mr. Inouye to Mr Bingham.

FOREIGN OFFICE, TOKIO,
The 22d, the 4th month, the 16th year, Meiji.

SIR: I have the honor to acknowledge the receipt of your excellency's note dated April 19, 1883, acquainting me that you are in receipt of an instruction from your excellency's Government inclosing a draft, dated March 21, 1883, on the Treasury of the United States, Washington, D. C., payable to the order of the honorable the Secretary of State of the United States of America, indorsed to your excellency's order, calling for the sum of $785,000.87, which sum your excellency is instructed to pay to the Imperial Government in fulfillment of the act of Congress of the 22d of February 1883 (a copy of which was found indorsed therein), and your excellency adds that you are prepared to deliver and duly indorse the said draft to the Imperial Government in such manner as I may wish to designate.

Your excellency is pleased, in addition, to express the satisfaction felt by the President that he is enabled by the action of Congress to carry out the desire long entertained by the Government of the United States, and that the President does not doubt the money will be accepted by His Imperial Majesty's Government as an additional evidence of the friendly interest of the Government of the United States in matters that concern the welfare and progress of the people and Government of Japan.

It is a source of satisfaction to me to be able to assure your excellency in reply, that His Imperial Majesty's Government regards the spontaneous return of the money which was paid by the Government of Japan to that of the United States under the convention of October 22, 1864, not only as an additional proof of the friendly disposition of your excellency's Government, but as a strong manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan, and it will, I am convinced, tend to perpetuate and strengthen the mutual confidence and the feeling of cordial good-will and friendship which at present happily subsist between the people of our respective countries.

In this sense His Imperial Majesty's Government does not hesitate to accept the money in question, and in accordance with your excelleney's request that I would designate some person to receive the draft, I beg that you will have the goodness, at your convenience, to indorse it to my order, as His Imperial Majesty's minister for foreign affairs.

Requesting that your excellency will be pleased to convey to the President of the United States the sentiments contained in this communication,

I avail myself, &c.,

INOUYE KAORU,
H. I. J. Minister for Foreign Affairs.

[Inclosure 2 in No. 1667.]

Mr. Bingham to Mr Inouye.

UNITED STATES LEGATION,
Tokio, Japan, April 23, 1883.

SIR: Referring to my note No. 1998 of date the 19th instant, which I had the honor to address to your excellency, acquainting you of the receipt by me of a draft on the Treasury of the United States, dated March 21, 1883, payable to the order of the Secre-

tary of State of the United States of America, and by him indorsed to my order, which draft calls for the sum of $785,000.87, and which the Secretary of State instructed me to pay to your Government, in fulfillment of an act of Congress of the 22d February, 1883, a copy of which I inclosed with my said No. 1998, I now beg leave, in accordance with the said instructions, and also with your verbal request, to deliver said draft to you with my indorsement thereon to pay the same to your order, as His Imperial Majesty's minister for foreign affairs.

I will thank you for an early acknowledgment of this and of my previous note, No. 1998, and also of the receipt of the inclosed draft indorsed as aforesaid by me to your order.

I beg leave, &c.,

JOHN A. BINGHAM.

[Inclosure.]

Draft indorsed by Mr. Frelinghuysen and Mr. Bingham as follows:

Pay to the order of John A. Bingham, envoy extraordinary and minister plenipotentiary of the United States of America in Japan.

FRED'K T. FRELINGHUYSEN,
The Secretary of State of the United States of America.

Pay to the order of Inouye Kaoru, His Imperial Japanese Majesty's minister for foreign affairs.

JOHN A. BINGHAM,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan.

[Inclosure 3 in No. 1677.—Translation.]

Mr. Inouye to Mr. Bingham.

FOREIGN OFFICE, TOKIO,
The 26th, the 4th month, the 16th year, Meiji.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 23d instant, covering a draft on the Treasury of the United States dated March 21, 1883, payable to the order of the Secretary of State of the United States of America, and by him indorsed to your excellency's order, and by your excellency indorsed to my order as His Imperial Japanese Majesty's minister of foreign affairs. The draft, as you advise me, calls for $785,000.87, which sum your excellency states the honorable the Secretary of State instructed you to pay to His Imperial Majesty's Government, in fulfillment of the act of Congress approved February 22, 1883.

I avail myself, &c.,

INOUYE KAORU,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

No. 378.

Mr. Bingham to Mr. Frelinghuysen.

No. 1716.] LEGATION OF THE UNITED STATES,
Tokio, July 30, 1883. (Received August 29.)

SIR: It is with deep regret that I acquaint you of the death, on the 20th instant, of his excellency Iwakura Tomomi, junior prime minister of His Imperial Majesty the Emperor of Japan. Mr. Iwakura was one

of the ablest of His Majesty's ministers, and was also one of the foremost intellectually and morally of his countrymen. No minister of the Empire enjoyed more of the Emperor's confidence or exercised a larger influence in shaping the policy of His Majesty's Government. On the 19th instant Mr. Iwakura addressed to His Majesty a petition asking to be relieved from the duties of his office.

On the same day His Majesty issued his imperial decree, as follows:

Iwakura Tomomi, Mdaijen, has, in accordance with his request been permitted to retire from office. He will be officially styled the ex-Mdaijin, and will retain his rank as heretofore.

On the following morning, the Emperor being advised that the end was near, called for the second time in person at the house of Mr. Iwakura, and took leave of his dying counselor.

Directly after the death of Mr. Iwakura, His Majesty conferred upon him the posthumous title of Daijo Daijin (first minister of state), and issued the following rescript:

The ex third minister of state (Iwakura Tomomi) aided me (the Emperor) with unflagging fidelity and loyalty in the accomplishment of the great work, the work which is destined for eternity. He was the pillar of the nation and a model for my subjects. I ascended the throne in my youth. Dependent upon the ministers, I listened to their counsels. The deceased was my teacher. Heaven has deprived me of his aid! How grieved am I! In honor to his memory I confer on him the posthumous title of first minister of state.

On the 25th instant, the remains of Mr. Iwakura were buried beside the remains of his honored father, within the limits of this capital.

Having been honored during all my service here with the friendship of Mr. Iwakura I repeatedly called and inquired for him in the time of his last illness, and during his obsequies, as a mark of respect, I placed our flag at half mast.

I have, &c.,

JNO. A. BINGHAM.

No. 379.

Mr. Adee to Mr. Bingham.

No. 766.] DEPARTMENT OF STATE,
Washington, August 31, 1883.

SIR: I have to acknowledge the receipt of your dispatch No. 1716, of the 30th ultimo, announcing the death of his excellency Iwakura Tomomi, junior prime minister of His Imperial Japanese Majesty's cabinet, and giving an interesting account of the funeral obsequies as well as of his illustrious career.

Intelligence of Mr. Iwakura's death has been received with profound regret, and, in the name of the Government and people of the United States, I desire that you will suitably convey an expression of their sincere sympathy and condolence with the Government and people of Japan for the loss which they have sustained in the death of so eminent a statesman.

I am, &c.,

ALVEY A. ADEE,
Acting Secretary.

No. 380.

Mr. Bingham to Mr. Frelinghuysen.

No. 1763.] LEGATION OF THE UNITED STATES,
Tokio, October 18, 1883. (Received November 16.)

SIR: Herewith I beg leave to inclose for your information a translation (as published in the Japan Herald Mail Summary of the 5th instant) of the imperial notification and agreement regarding the treaty limits in Corea, of Japanese visiting or residing in that country.

I have, &c.,

JNO. A. BINGHAM.

[Inclosure to No. 1763.]

Japan Herald Mail Summary, October 5, 1883.—*Notification No. 32 of the Daijo-kwan.*

Notice is hereby given that the written agreement respecting the extent of the treaty limits in Korea has been altered to the one here annexed.

SANJO SANEYOSHI,
Prime Minister.
INOUYE KAORU,
Minister for Foreign Affairs.

OCTOBER 3, 1882.

AGREEMENT REGARDING THE EXTENT OF THE TREATY LIMITS IN KOREA.

ARTICLE 1. The Government of Japan and the Government of Korea, according to article 1 of the new treaty between the two countries, concluded on the 31st August, 15th year of Meiji (Japanese era), or on the 17th July of the year of Ningo (Korean era), have, after conference of the ministers delegated by both Governments, fixed the treaty limits of Ninsen, Gensan, and Fusan as follows:

ART. 2. In Ninsen, Auzan, Shiko, ann Kasen shall be the limits in the east; Yosen and Kimpo in the northeast, and Kokate in the north. In Gensan, Basoku-Rio, in Tokugen fu, shall be the limit in the west; Korinchiin in the south, and Giokachoku, in Bunsen-gun, in the north. In Fusan, Choki shall be the limit in the east, Kinkai in the west, Meiko in the south, and Riozan in the north. At the places mentioned above posts shall be erected under the inspection of officers of both countries, so as to clearly define the boundaries of the treaty limits.

ART. 3. The boundaries of the treaty limits to be extended in the 17th year of Meiji, of the Japanese era, or the year of Koshin, of the Korean era, shall be defined at that time after a conference between delegates of both countries, and (the agreement thereon) shall be affixed to this agreement as an appendix.

ART. 4. Although Japanese may freely shoot within the limits mentioned above, they shall not do so near any dwelling houses, or in places where it is forbidden by the Korean Government.

ART. 5. Japanese committing any violent acts within the treaty limits, or transgressing them, shall be seized by the local officials and taken to the Japanese consulate, or shall be detained and the matter reported to the Japanese consul, of whom punishment shall be demanded of those so detained. During the time of such detention, or transport to the consul, no one, as a matter of course, shall be cruelly treated, and the time of detention shall not exceed the time which necessarily must elapse during communication with the consul.

ART. 6. If Koreans commit any act of violence upon Japanese within the treaty limits, the local officials shall speedily dispatch officials to protect the Japanese, and strictly punish the offenders.

ART. 7. In case a Japanese cannot return to his home after sunset, from sickness or other circumstances, the people of the place shall, at his request, hire a conveyance for him or give him lodgings and treat him kindly. Expenses for the conveyance and lodgings shall be repaid by the Japanese.

ART. 8. Articles 4, 5, 6, and 7 will be posted up at villages within the treaty limits by the Korean Government, and the people be ordered to obey their provisions.

The above stipulations are certified by the delegates of both countries under their own name and seal.

[L. S.] TAKEZOYE,
Japanese Commissioner and Minister Resident to Korea.
[L. S.] BIN-YEIBOKU,
Korean Commissioner and Minister of Foreign Commerce.

July 25, 16th year of Meiji.
July 22, 492d year of Kaikoku.

LIBERIA.

No. 381.

Mr. Smyth to Mr. Frelinghuysen.

No. 16.] LEGATION OF THE UNITED STATES,
Monrovia, Dec. 7, 1882. (Received Jan. 13, 1883.)

SIR: I have the honor to respectfully advise you that, Monday, December 4, 1882, the legislative bodies of the Republic of Liberia, the Senate and House of Representatives, convened in their respective chambers and organized.

On the 6th instant these bodies met in joint convention, the honorable the Vice-President of the Republic presiding, for the purpose of hearing read the annual message of the President.

This document was read by the secretary of state on account of the illness of the President, who is believed to be threatened with paralysis.

Aside from the matter of the money of the state, currency, and the British debt, the important features of the message are the reference made to the appointment by Her Majesty's Government of a consul to Liberia for the specific purpose of settlement of the long pending northwest boundary matter; the collection of the revenue and its economical use; the matter of a contemplated loan; education; and relations between Liberians (citizens) and aborigines.

Perhaps no questions will arise in the deliberations of the legislature which will be of greater interest, more far reaching in their consequences, and upon which there is at present greater fixedness of purpose to resist any thing other than a just compromise in the one case, and acceptance in the other, than the yielding of the nation's rights in their northwest territory, and the proposed loan of £400,000.

As to education, popular, there is a growing interest in this matter, which is so general that the masses are making the subject of education of their children, and in many instances the native children, a matter of conversation, although there does not exist any well-defined public-school system; and in the existing schools the provisions for female training are much inferior to that of males.

The distinguished and scholarly president of Liberia College, with Professor Freeman, and the co-operative influence of an earnest executive committee of that institution, have placed it upon such a basis as that it is destined to be of incalculable benefit to the Republic and to Africa if the nation and the friends of the institution in America are but true to the race.

It was unpleasant to find, during my first appointment, soon after I entered upon my office, that there had existed in the early history of this state, and down to a comparatively recent period, marked antipodal relations between the aboriginal negro and the descendants of this race who had returned to this portion of Africa;* but I am happy to bear testimony to the fact that such relations have undergone a happy change, as is plainly shown by the infrequency of wars between Liberian citizens and natives (absence of war); the overtures made lately by the powerful King of Medina for a closer union between his state and the Republic; recent marriages between Liberians and aborigines; the cessation of native hostilities among the Gala and Pessy tribes to

*See Foreign Relations, 1879.

the east of Monrovia and beyond the civilized settlements; the termination of war between the Vey and Gallenas people, which had been carried on for more than five years in the disputed territory; and the late signing of a treaty of peace and acknowledgment of the authority of Liberia.

As to the legislation of unredeemed currency into gold, or the dispensing with a subsisting obligation entered into between the state and its creditors—in other language, the repudiation of the money of the state—I have good reasons to doubt any such suicidal act on the part of the legislature.

Please find inclosure (1) message.

With renewed sentiments, &c.,

JOHN H. SMYTH,
Minister Resident.

P. S.—Having just received a copy of the proposed Spanish loan from the foreign office I have the honor to forward same (2) in connection with the message.

J. H. S.

[Inclosure 1 in No. 16.]

MESSAGE.

Gentlemen of the Senate and House of Representatives:

You have assembled again for the purpose of taking into consideration matters of the state, and for the enactment of such laws as may be deemed best for the welfare of the nation.

In the discharge of the duty incumbent upon me at the opening of your session, I have the gratification to say, first, that the past year has been crowned with marked indications of national prosperity, as well as of individual thrift and enterprise.

Agricultural activity has not only kept pace with but has considerably exceeded that of the last several years, both as to the quantity, as also the variety of the productions. The rice crop, as well as that of breadstuffs generally, has been unusually favorable, while the exportable articles of coffee, sugar, rubber, palm oil, palm kernels, cam wood, &c., have never been shipped in such large quantities before. This increase is owing partly to the favorable seasons which we have had, partly to the growing industry of our citizens, and partly to the extension of our intercourse with the interior tribes, from whence quantities of rubber, cam wood, and ivory, far in excess of those of former years, are brought down to our markets.

FOREIGN RELATIONS.

Nothing has occurred during the year to interrupt the friendly relations between this Republic and foreign nations; so far from it, they have been considerably extended in this direction. I have to mention that His Majesty, Don Alphonso XII, King of Spain, in the early part of the year, gave evidence of his regard for and interest in the Republic of Liberia by tendering to your chief executive the national Order of Isabel the Catholic. In June last the illustrious American President of the United States of Venezuela, General Antonio Guzman Blanco, was pleased to transmit to me, as your President, a first class (great cross) diploma and decoration of the bust of the Liberator, and at the same time expressed a warm desire to see the good relations existing between the two countries strengthened and enlarged.

About the same time President Salomon of the Haytian Republic was pleased to forward a first-class diploma of the national order of that state for the President of Liberia. These are some of the many expressions of increasing interest in and appreciation of the arduous work in which we are engaged, in building up a Christian state in the land of our fathers.

The Government of the United States of America has also afforded a renewed evidence of the friendly attitude of that nation toward Liberia, in the speedy supply of the vacancy caused by the lamented death of the late Hon. Henry Highland Garnet, minister resident and consul-general for that country at the seat of this Government.

The Hon. John H. Smith, LL. D., who only about two months before the occurrence of this sad event just mentioned had closed a term of diplomatic service,

justly appreciated by the Department at Washington, and highly acceptable to this Republic, has been returned to fill the important post for which he is so well qualified.

Her Majesty's Government of Great Britain, anxious to remove out of the way everything that can possibly be the cause of the least friction in the friendly relations so long existing between that Empire and this infant state, saw fit to renew the appointment of British consulate for Liberia, which had been vacant for the last several years, and to invest the appointee with authority to visit this Government with the view of effecting a solution of the long-pending question of the northwest boundary of this Republic, as well as to inquire into certain alleged claims of British subjects for property said to have been destroyed by the troops of Liberia in a campaign against certain Gallinas tribes in 1871. His excellency Arthur E. Havelock, C. M. G., governor of Her Majesty's West African settlements, was appointed said consul. He arrived in this city in March last and met the Liberian commissioners, Hon. W. M. Davis and E. W. Blyden, who with himself held a session of four days. Questions and points having arisen during the conference that could not be settled without legislative action, the whole matter is referred to your honorable body, and I trust you will give it the attention due to so important a subject at the earliest date possible. As I shall make a special communication to you in connection with the papers to be laid before you on this question, I need not dwell upon it in this document.

FINANCES.

The honorable secretary of the treasury will submit to you a report of the finances of the country. Under this head I need only refer you to the urgent necessity, set forth in my last annual message, for the passage of an act making all customs dues payable in gold or silver coin, while giving to the currency now in circulation the capacity of legal tender in private contracts, and for all other Government claims.

The passage of such a law ought to be followed by retrenchment to the extent of one-tenth in the salaries of officials and the current expenses of Government. These measures, together with a faithful collection of the revenue, and a rigid economy in the disbursement thereof, would soon place the financial department of the country in a safe and healthy condition, and afford every year a considerable surplus to be paid on the indebtedness of the state. In advising retrenchment, gentlemen, I would by no means convey the impression that I regard the salaries now paid to Government officials exorbitant; so far from it I deem them quite insufficient. But there are times in the history of most nations when citizens must evince their patriotism by making sacrifices for the welfare of the state. Such a time, in my opinion, has arrived in Liberia, and I feel confident in making the assertion that there is a large measure of high-toned patriotism diffused throughout the masses of this Republic, that in an emergency will assert itself, arise to the surface, and sustain the Government in any reasonable measure that you may adopt for the good of the nation and the promotion of our republican institutions. And I believe further that every good citizen of this commonwealth would rather render official service for half pay and see the Government credit restored and brought to a healthy financial condition, than to insist on a large salary, which would precipitate a humiliating aspect of national bankruptcy.

You will observe that among other measures I mention the prompt and faithful collection of the revenue as a means to effect the relief of Government so much desired. It is stated, on very good authority I understand, that not more than two-thirds of the revenue are collected; that if the Government had the full benefit of its customs dues and property tax there would be no lack of means to carry out all the purposes of the state.

Two years ago I called your attention to this matter, and urged the adoption of the bonded-warehouse system as one likely to remedy some of the defects connected with the operations of the present one. I must again respectfully urge that you spare no pains in endeavoring to inaugurate more effective measures for securing the revenue of the state.

I must not fail to mention under this head, also, the importance of so amending the revenue laws as to impose higher duties on the importation and sale of alcoholic liquors, gunpowder, fire-arms, and tobacco. The fearful evils inflicted upon this infant state by the large introduction of the first-named destructive agencies are too apparent to require any comment here. Many of the tribal difficulties among the aborigines, and most of the late irregularities in one section of the Republic among the civilized inhabitants, leading to the destruction of valuable life, may be attributed mainly to the free use of alcohol.

The great importation of rum and gin into this country, which has been going on for the last number of years, is not only productive of disorder among the aborigines in our territory, but is also destroying much precious life, laying waste valuable intel-

lect, engendering a spirit of idleness and thriftlessness among hitherto industrious tribes, and rapidly consuming the wealth of the land. I appeal to you, fellow citizens, in your legislative capacity, to look these facts fairly in the face; consider the ponderous mass of evils with which they are burdening the state, and *check*, if you cannot wholly *remove*, the sad consequences being entailed upon us by them.

EDUCATIONAL.

A report on the state and condition of the common schools of the Republic will be laid before you by the honorable secretary of the interior. Notwithstanding the disadvantages under which the schools have had to labor during the year, yet much has been accomplished. And it is the cherished object of the Government to place the advantages of a common-school education within the reach of every child in the country. Your honorable body, seeing the importance of this, will, I feel sure, make the necessary appropriation for books and salaries to carry out the same. The Liberia College, through the indefatigable efforts of the executive committee and faculty, especially Prof. Martin H. Freeman, M. A., who in the absence of the President has charge of the institution, is progressing finely. Great credit is due to the untiring and devoted energy of this able professor, but for whose presence at the college there would have been a total suspension of its operations during the greater portion of the year.

It is with great pleasure that I am able to add at this point, from information that has come to hand since writing the above, that much good is likely to accrue to the institution from the present visit of Dr. Blyden to the United States. The increase of the corps of professors, the addition of a female department, and the revival of a general interest in it on the part of its friends in that country, which he is endeavoring to effect, will add greatly to the efficiency of the college, and render it an invaluable boon to West Africa. By referring to the report of the secretary of the interior you will notice several important suggestions for the improvement of the educational interests of the state which are worthy of your serious attention. I refer especially to the establishment by Government of high schools in the several counties on the manual labor system, the providing of female academies, and the endowment of several scholarships in connection with the Liberia College, to embrace the sciences, medicine, civil engineering, and jurisprudence. The great importance, yea the absolute necessity for a more general diffusion of knowledge among the people of this commonwealth, if we would preserve and perpetuate our civil institutions, is so generally admitted by you that I will not dilate upon the subject at this time.

JUDICIARY.

I regret to be under the necessity of informing your honorable body that the judiciary department of the state has recently been subjected to the loss of the services of one of the oldest judges in the country. I refer to the resignation of Hon. Beverly Page Yates, late judge of the quarterly court of Meontsewado County, in consequence of the failure of his health. And here again I must repeat a recommendation in my last message, to the effect that you may make some provisions by law which will allow a judge, in case of failure of health, to be relieved temporarily for foreign travel, or to seek other means of recovery, without being under the necessity of tendering his resignation. Having noticed this subject at length last year, I beg to refer you to what was then said, and trust you will see the propriety of an enactment to meet the case.

POSTAL DEPARTMENT.

The honorable postmaster-general will submit to you his annual report, in which you will notice some important suggestions looking to an improvement in the efficiency of this indispensable service. I have to mention also that a proposal has been made to this Government offering additional facilities for the carrying of the mails between the several ports in the Republic, as well as to foreign countries. The papers referring to the same will be laid before you.

TELEGRAPH PROJECT.

An enterprise is in contemplation that proposes to bring to Liberia the advantages of telegraphic communication with the settlements on the coast, as well as with Europe and the United States. The details of the proposition will be submitted to you and your direction in the matter solicited.

CONCESSION ASKED.

I have to call your attention to a certain proposal that has been made to the Government very recently asking for a concession to engage in mining operations, cut and export timber, cultivate the soil in consideration of a loan to this State of 400,000 pounds sterling for fifty years at 7 per cent. interest. The terms proposed as well as the time mentioned in which the debt is to be paid are more favorable than any hitherto offered. It will be with you, gentlemen, after having given due attention to the terms of the offer and the circumstances of the country, to say whether or not it will be desirable and wise to accept the same. That we have foreign claims which must be met none of you will deny, nor will refuse to admit that it is high time we were inaugurating measures with the view of satisfying the bondholders of the loan of 1871.

Two other proposals were made to the Secretary of State while abroad last year, having reference to the settlement of this debt, which it may be advisable to have before you when you shall find it convenient to take up the one now under consideration.

NATIVE DIFFICULTIES.

It affords me no little pleasure to be able to report the happy termination of difficulties among the native tribes in one section of the Camwood country in Grand Bassa County. Through the persevering efforts of Superintendent Smith, Judge Negle, and others, the guilty parties have been brought to justice, and peace fully restored.

The disturbances which for the last several years existed in the Cape Mount territory have also been settled. In the month of July last I appointed Rev. C. A. Pitman, I. G. Fuller, esq., and Superintendent R. J. B. Wakon, of Robertsport, with Mr. E. J. Barclay as clerk, to visit this section of country, convene the chiefs of the contending factions, and endeavor to restore peace. The commission arrived at Robertsport, proceeded to Salligah, entered upon their duties with commendable zeal, and after meeting with and surmounting many difficulties, succeeded in having a treaty of peace signed by thirteen chiefs of the Gallinas Mannah, Solo, Tey Wah, and Saligah territories, a copy of which will be submitted to you.

In a former communication I called your attention to the progress that was being made in Maryland County toward the opening up roads interiorward and affecting greater intercourse with the more distant tribes. I am happy to inform you that these efforts have been followed up by Superintendent Gibson, so that at the present time roads for trade and intercourse are available for ingress and egress which have been closed for the last eight or ten years.

The importance of increasing our friendly intercourse with the powerful tribes of the country is a matter that cannot claim too much of our attention. So important do I regard our relation with these our brethren, and so desirous am I of seeing this vast aboriginal population share with us the rights, privileges, and advantages of civilization and a Christian Government, thus giving strength and permanency to our republican institutions on this coast, that I consider it really the great work of Liberia at present to pursue such a policy as will cement into one mass the many tribes about us and bring them under the molding influence of our laws and religion. The great work of Liberia at present is at home, and the sooner we lose sight of distracting party politics and address ourselves to the task of elevating our brethren and building up the country the better.

I am unwilling to close this communication, gentlemen and fellow-citizens, without congratulating you and the nation generally upon the pleasing abatement of that excessive political party strife which ran so high at your last session as to wholly prevent harmonious legislation.

The fact that the storm has passed away and you are able to enter upon your duties under circumstances so favorable shows that there is yet a gratifying measure of recuperative energy in our little ship of state; that, though at times she may toss and roll as though the next moment were destined to be her last, yet after a while she recovers her balance, uprights herself, and proceeds on an even course towards the sublime goal that awaits her.

May we gather experience from the past, learn wisdom for the future, and, under the direction of Him who guides the affairs of the children of men, go on courageously and faithfully in working out our national destiny.

Trusting that your present session may mark a new era in our national history, and effect great good for the nation and the race,

I have, &c.,

ANTONY W. GARDNER.

EXECUTIVE MANSION,
December 6, 1882.

[Inclosure 2 in No. 16.]

The project for the loan of from three to four hundred pounds sterling in consolidated Liberian debt of 7 per cent. per annum, amortizable in fifty years in equal parts, according to the following conditions:

1. The Liberian Government will receive the sum total of ——— pounds sterling, to be reimbursed in the period of fifty years in equal amounts.

2. The sum of the loan will be represented by bonds, to order in different amounts, distributed in alphabetical series. Each series will be distinguished by different color.

3. The bonds will be divided into one hundred, six monthly coupons, representing interest 7 per cent. and payable in Europe, in indicated places, on the 1st of January, and 1st of July in every year.

4. The Liberian Government will pay to bankers and agents a commission of 5 per cent. upon total sum of loan, and besides will agree to fix a commission of 1 per cent. for payment of coupons and amortization of capital.

5. The amortization will take place by drawings.

6. As a guarantee for the loan the Liberian Government will give the following securities: (1) the 50 per cent. of the receipts of custom houses of the Republic with a right of looking into the accounts by the bondholders; (2) the 50 per cent. of the fourth part produced by the sale of forest woods existing in the territory of the Republic of Liberia for a period of fifty years; (3) the 50 per cent. during fifty years of the remaining income of the receipts of the treasury; (4) the 50 per cent. in the fourth of the residue of what is produced by explorations of mines in Liberian territory which the bondholders may work during the fifty years; (5) the Liberian Government will leave to the free use of the bondholders all territory cultivated by them, so that they can grow whatever they like during the period of fifty years; (6) that the Liberian Government will concede to the bondholders' authority to convert the bonds according to the laws of England, France, and other European nations; (7) that any arrangements that bondholders wish to enter into must be first submitted to the approval of the Liberian legislature; (8) to form the basis of the loan, a special commission of the bondholders and a delegation from the Government of Liberia be found to arrange the contract.

F. SENMARTI.

No. 382.

Mr. Smyth to Mr. Frelinghuysen.

No. 19.] LEGATION OF THE UNITED STATES,
Monrovia, January 17, 1883. (Received Feb. 21.)

SIR: It is my painful duty to advise you of the resignation of the office of President of Liberia by Hon. Anthony W. Gardner on account of the incurable condition of his health, which wholly unfits him for the discharge of the duties of his office.

This information has been conveyed to me by note from secretary of state, received January 16, 1883.

I have to inform you that Hon. W. H. Roe, who has been secretary of the treasury during the Presidency of Mr. Gardner, has resigned also.

Mr. Roe's successor has been appointed and confirmed—Mr. Moore T. Worrell, of Montserrada County, a gentleman of sterling integrity and high business reputation. Wise and beneficial reforms are looked for from the appointment of Mr. Worrell, secretary.

Notwithstanding this unprecedented action of a Liberian President, there is no fear entertained of any serious interference with the affairs of Government in consequence of Mr. Gardner's retirement by voluntary resignation.

There is general peace among the native races, and most friendly relations between Liberia and foreign nations, and prosperity specially among the farming classes of the state, which is in majority.

There is uniform acquiescence in Mr. Gardner's act, on account of his infirmities and his age; he is nearly 70 years old.

Mr. Russell, late Vice-President, succeeds to the Presidency with the good feeling of the nation.

Liberia is on the eve of a political change. The election for President and Vice-President will be held in May next.

With unfeigned sentiments of highest consideration and esteem,

I am, &c.,

JNO. H. SMYTH,
Minister Resident.

No. 383.

Mr. Smyth to Mr. Frelinghuysen.

No. 28.] LEGATION OF THE UNITED STATES,
Monrovia, April 2, 1883. (Received May 5.)

SIR: I have the honor to send you a copy of a proclamation issued recently by the President of the Republic of Liberia, Hon. Alfred F. Russell.

In transmitting the copy of this paper, I am pleased to state that this utterance by the President is an evidence that His Excellency comprehends the duty towards native races his great office imposes.

When the masses of American Liberians shall see the right policy clearly to be adopted and followed with respect to the aborigines, and cheerfully act in accord with it, the future of Liberia and of those other contiguous negro countries will be safe to civilization and Christian influences.

JOHN H. SMYTH,
Minister Resident.

[Inclosure in No. 28.]

PROCLAMATION BY ALFRED F. RUSSELL, PRESIDENT.

Whereas one of the prime objects contemplated in the founding of the colony, now Republic of Liberia, was the elevation of the aboriginal tribes of this continent, or of those among and contiguous to us; and whereas this end can never be secured until a more conciliatory policy is inaugurated in respect to them than has hitherto obtained among us; and

Whereas it is the policy of the present Government to bring about the best and most friendly feelings on the part of our aboriginal citizens (for they are important, nay indispensable, to us in building up this national fabric, and the redemption of this land, so long under the domination of the devil); and

Whereas it is the design of government to accord to all such worthy individuals, tribes, or fragments of tribes every guarantee within the scope of her power, as far as law and justice will allow; and whereas it has too often come to the knowledge of Government that the practice has hitherto prevailed of buying up and surveying off tracts of public domain already occupied by members of one or another of these tribes, thus ignoring their rights and reducing them to great distress and suffering; and whereas this practice, in the opinion of this Government, is in direct violation of the compacts and treaties existing between this Republic and the several tribes around us and is quite at variance with the spirit and intent of the constitution and laws of this Republic, and in its results nugatory to the godly and humane idea that simultaneous with the thought that first suggested the founding of this Christian nation sprang into being, also that other, the enlightenment of the aboriginal tribes and their incorporation in the body politic and religious, derogatory to

the policy of this Government, and to her high sense of justice and humanity, derogatory to the spirit and teachings of the sacred Scriptures; and

Whereas the practice alluded to above has broken up, in thousands of cases, whole families and driven them from among us to far remote parts, beyond the pale of civilization and Christianity, depleting whole districts of country and leaving them to grow up in wilderness, to the great impediment and detriment of the entire country:

Therefore, I, Alfred F. Russell, President of the Republic of Liberia, in virtue of the authority vested in me as such by the constitution and laws of the same, do enjoin and command all land commissioners and registrars to carefully abstain from giving deeds for lands surveyed or granted, and also all surveyors to abstain from surveying lands in violation of this proclamation without first submitting their action to the inspection of Government.

Given under my hand and seal of the Republic this 29th day of March, 1883.

[L. S.] ALFRED F. RUSSELL,
President.

D. WARE,
Secretary of the Interior.

MEXICO.

No. 384.

Mr. Morgan to Mr. Frelinghuysen.

No. 513.] LEGATION OF THE UNITED STATES,
Mexico, October 10, 1882. (Received October 27.)

SIR: As you are aware, the constitution of Mexico provided that, in case of a vacancy occurring in the office of President of the Republic, the vacancy was to be filled, until another President should be elected, by the chief justice of the federal supreme court.

The constitution has been recently amended in this regard, the amendment having been published for the first time in the *Diario Oficial* of the 7th instant. I transmit it to you herewith, together with a translation thereof.

By this amendment it is provided that the Senate, as well as the permanent commission of Congress, shall, on the last day of each month, elect a president and vce-president of their respective bodies, who shall not be eligible to re-election until one year shall have elapsed from the expiration of the month for which they were primarily elected. None but native-born Mexican citizens are eligible to the presidency or vice-presidency of either of the before-mentioned bodies.

In case of death or inability, permanent or transitory, of the President-elect, or during the term of office for which he was elected, the president, or, in his default, the vice-president, of the Senate or of the permanent commission for the month preceding the death or inability of the President, shall act as President until a new election is held or the disability is removed.

In case of the death of the President or of his absolute inability to act, a new election is to be ordered, to take place within sixty days from the accession of the party designated to take his place, such party not being eligible to be elected President.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 513.—Translation.]

Extract from Diario Oficial of October 7, 1882.

SECTION FIRST.

The President of the Republic has seen proper to address to me the following decree:

Manuel Gonzalez, constitutional President of the United Mexican States, to its inhabitants, makes known that the Congress of the Union has seen proper to decree as follows:

The Congress of the United Mexican States, in the exercise of the authority conferred upon it by article 127 of the federal constitution, and with the previous approbation of a majority of the legislatures of the States, declares that articles 79, 80, and 82 of the constitution are amended as follows:

ART. 79. In case of the temporary or absolute inability of the newly elected President to qualify, the citizen who has discharged the duties of president or vice-president of the Senate or of the permanent commission thereof during the recess thereof during the month preceding the one in which the inability occured shall discharge the duties of the executive power of the Union.

(*a*) The president and vice-president of the Senate and of the permanent commission cannot be re-elected to these posts until after the expiration of one year from the period of their having ceased to discharge the duties thereof.

(*b*) If the period for the session of the senate or permanent commission commences in the second fifteen days of a month, the inability of the President shall be supplied by the president or vice-president who presided over the Senate or permanent commission during the first fifteen days of the month in which the inability occurred.

(*c*) The Senate and permanent commission shall, on the last day of each and every month, re-elect their president and vice-president. For these positions the permanent commission shall elect, alternately, for one month, two deputies, and for the following, two senators.

(*d*) When the inability of the President of the Republic is absolute, the officer who, under the provisions of the constitution, replaces him, shall, within the fixed delay of fifteen days, order a new election, which shall take place in three months, and in accordance with the provisions of article 76 of this constitution. The President *ad interim* cannot, in this election, be elected to fill the vacancy.

(*e*) If, in case of death, or from any other cause, the party substituted for the President of the Republic by this amendment cannot discharge the duties which have devolved upon him, these duties shall be performed by the citizen who acted as president or vice-president of the Senate or of the permanent commission during the month anterior to the one in which he may be called upon to discharge the duties of the office.

(*f*) In case the absolute inability of the President of the Republic should occur within six months of the expiration of the constitutional term for which he was elected, the person elected to succeed him shall finish the term.

(*g*) To be eligible to the position of president or vice-president of the Senate or of the permanent commission, it is necessary that the person shall be a native-born Mexican citizen.

(*h*) In case the inability of the President occurs at a time when the permanent commission and the Senate are convened in extraordinary session, the president of the permanent commission shall take his place under the provisions of this article.

(*i*) The vice-president of the Senate or of the permanent commission shall enter upon the discharge of the duties imposed upon him by this article in case of the absolute inability of the president of the Senate or of the permanent commission; and should this inability be temporary only, then during the time only when the inability continues.

(*j*) The newly-elected President shall enter upon the discharge of his duties sixty days, at the latest, after his election. Should the Chamber of Deputies not be in session, it shall be convened in extra session to count the votes, within the delay above specified.

ART. 80. In case of the absolute inability of the President, the term of office of the newly-elected President shall be computed to have commenced on the 1st of December of the year previous to his election, provided he has not taken possession of his office under the provisions of article 78.

ART. 82. If, from any cause, the election for President has not taken place and been published on the 1st of December, when the substitute should qualify, or the person elected should not be ready to enter upon the discharge of his duties, the term of the

former incumbent shall cease, and the supreme executive power shall be vested in the party designated by article 79, as amended, of this constitution.

TRANSITORY ARTICLE.

The foregoing amendments shall be published and proclaimed throughout the Republic.

M. DUBLAN,
Deputy from the State of Oaxaca, President.
M. ROMERO RUBIO,
Senator from the State of Tobasco, President.
CARLOS RIVAS,
Deputy for Jalisco, Vice-President.
RAFAEL CRAVIATO,
Senator from the State of Puebla, Vice-President.

No. 385.

Mr. Davis to Mr. Morgan.

No. 358.] DEPARTMENT OF STATE,
Washington, January 29, 1883.

SIR: The American schooner Adriana, of San Francisco, George Caleb master and part owner (Mr. Adolph B. Roth, of San Francisco, being the only other owner), sailed from the latter port on the 12th of December, ultimo, and on the 26th of the same month, seeking shelter from stress of weather, came to anchor in the Gulf of Lower California, about 4 miles southeast from Cape Palmo. The vessel was bound for La Paz, Lower California, and San Blas, Mexico. The next day about noon a Mexican customs officer from a revenue boat boarded the Adriana, examined her papers, pronounced them regular and correct, and departed. On the same day (27th December), about three hours later, the same officer and crew returned with a sloop, which they claimed as a prize, and which they made fast to the Adriana. The Mexican officer, accompanied by a sailor armed with a musket, boarded the schooner against the remonstrance and protest of Captain Caleb, the master, made Captain Caleb a prisoner, directing the armed marine, or sailor, to shoot him if he offered the slightest resistance. This officer then assumed command of the Adriana, took her into the port of La Paz, with her flag (United States) hauled down. Certain proceedings, of the precise nature of which the Department is not as yet fully informed, were then instituted by the Mexican local customs officials; but enough is declared to show that the schooner is still held under seizure and her captain detained as a prisoner.

I inclose herewith a copy of a dispatch of the 9th instant, with its inclosures, from Mr. Viosca, the United States consul at La Paz, which contains all the information the Department has received on the subject. No communication has as yet been received by the Department from the master of the vessel. It is, however, to be expected that he will present a claim for indemnity. So far he has had no opportunity to do so, owing to the compulsory detention and annoyances to which he has been subjected. Coming, however, as the information does, to the Department from one of its consuls, who is known to be a prudent and careful officer, it is at once impressed with the unnecessary and apparently wholly unwarranted severity of the summary proceedings resorted to by the local Mexican officials of La Paz.

You will, therefore, lose no time in bringing the subject to the attention of the Mexican Government with a view to an early inquiry and full investigation of the occurrence by that Government; and you will request in the name of this Government that the schooner Adriana, in the mean time, be immediately released and restored to her captain and owner, and that Captain Caleb, if still held as a prisoner, be also released. At the same time you will be careful to reserve all the rights of the master and owners of the vessel as to any future claims for indemnity, and report the result of your proceedings to the Department.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure in No. 358.]

Consul Viosca to Mr. Hunter.

No. 12.] UNITED STATES CONSULATE,
La Paz, Mexico, January 9, 1883. (Received January 22.)

SIR: On the 1st day of January, 1883, at 5 p. m., arrived at this port the American schooner Adriana, belonging to George Caleb and Adolph B. Roth, citizens of the United States and residents of San Francisco, Cal. The first named, Caleb, is the master of the said schooner, which left San Francisco on the 12th December, 1882.

Upon her arrival without her flag being hoisted, I inquired why the vessel was without a flag, and from all appearance with a Mexican armed force on board; the reason of which I learn from public rumor to be that the said schooner was seized by a Mexican revenue officer on board of a "plonger," which met the vessel anchored on the lower coast of Lower California; that from the time of her seizure the said revenue officer took command of the vessel and brought her over to La Paz under his sailing directions; that on her arrival here the officer landed, leaving Captain Caleb, mate, and crew "incommunicated" [*incommunicado*] on board, with a guard of armed men to prevent any one from shore from communicating with them; that the ship's log-book was also taken by the revenue officer, brought ashore, and delivered to the custom-house.

Early the next morning a communication was sent by me to the collector, inquiring the reasons for such extemporary and unlawful proceedings, a copy of which communication I have the honor to transmit for the Department's information, with also a copy of the collector's reply.

On the second day, at 5 p. m., Captain Caleb, mate, and crew were brought ashore in custody of a revenue officer, taken at once before the collector, and while there, the captain, mate, and crew were forced, under various threats of imprisonment, to answer questions regarding a certain Mexican boat, captured by the revenue officer, along the seashore and within a mile and a half from the place where the schooner hove her anchor on account of experiencing boisterous weather, the tenor of which questions are explained in the copy of the captain's, mate's, and crew's depositions, entered before me, and on the said subject, as per inclosure herewith.

While such an action on the part of the collector was going on, the district court, being advised of the same, began at once criminal proceedings against Captain Caleb for the infraction of the article of tariff mentioned in the copy of the reply from the collector, the court declaring his imprisonment on the 5th instant. Although Captain Caleb, at my instance, pleaded being very sick, and a doctor's certificate having been presented by me to that effect, nevertheless he was confined in the city hall, where he now remains very ill.

Up to the present time there is nothing, in my opinion, to justify the Captain's imprisonment, nor of seizing the vessel, contrary to the laws of the country and against the treaty stipulations.

Even supposing that the vessel had any cognizance of where the captured Mexican boat obtained the contraband goods found in it, the vessel was not caught in the act of smuggling, nor does all the testimony rendered to the court by either parties up to the present moment appear to implicate the vessel, captain, or crew; besides, by the existing revenue laws, the contents found in the boat are amenable to be lost, and the perpetrator, whoever he may be, is liable to from two to five years' imprisonment.

* * * * * * *

The vessel was captured without a shadow of right or of legal precedence on the part of the custom-house collector, giving great offense to our maritime and commercial interest, besides the disrespect also to the laws and flag of the United States. Her American clearance papers, along with the Mexican consul's manifest and invoices of cargo, were found correct by the said boarding officer and by the custom-house here, after appraising them.

In substance, the court is continuing the trial of Captain Caleb, and the vessel's detention will continue until the case is decided, the result of which I will communicate from time to time to the Department.

I am, &c.,

JAS. VIOSCA,
Consul.

Mr. Viosca to the collector of customs at La Paz.

UNITED STATES CONSULATE,
La Paz, Mexico, January 2, 1883.

SIR: Information has reached this consulate of the arrival of the American schooner Adriana, which vessel anchored in this port yesterday at 5 o'clock p. m., without having hoisted her flag, which is against international usage and against the rules of the harbor; and up to the present moment the captain of said vessel has not complied with the rule of depositing the ship's papers in this consulate, which is also a great infraction of the laws of the United States. The above statement and various other rumors in public circulation such as that the said Adriana was boarded somewhere about the coast of this peninsula by some revenue officer while the said vessel was anchored under the coast's land protection on account of boisterous weather; that the said officer jumped on board of the aforesaid vessel and forcibly took the command of the vessel from its captain, ordering some of his armed men (if a refusal of the same was made by the captain or any threats made to prevent the said officer's action) to shoot him or any of the men attempting resisance on board of said Adriana.

That whatever might have been the crime or infraction of the rules and laws of the country committed by the captain and crew while the said Adriana was in the waters of the jurisdiction of Mexico, it does not lessen the vessel's rights of nationality or permit the commission of any infraction of the treaty by the said officer.

I therefore have the honor to request of you to be pleased to inform this consulate, if such as above related has happened, what is the breach against the rules of the custom-house committed by the said vessel, captain, and crew, or if any arbitrary act on the part of your officers has been acted upon as aforestated.

With the highest considerations, &c.,

JAS. VIOSCA,
Vice-Consul, Acting Consul.

The collector of customs at La Paz to Mr. Viosca.

LA PAZ, *January* 3, 1883.

In answer to your note of January 2, 1883, I beg to state that the American schooner Adriana was captured and conducted to this port by the custom-house officer, Ysidro Ysais, for having been found violating section 1 of article 86 of the tariff of customs of November 8, 1880, in the waters of the jurisdiction of Mexico, as it appears by the declaration signed by the captain of said vessel, which exists in this office.

And I also beg to state that the rumors which you mention are without foundation, as I suppose the said captain has by this time acquainted you.

With the highest considerations, &c.,

F. G. GRINDY.

Deposition of Captain Caleb, of the Schooner Adriana.

UNITED STATES CONSULATE,
La Paz, Mexico, January 4, 1883.

George Caleb, citizen of the United States, master and owner of the American schooner Adriana, declares: That we left San Francisco, State of California, on the 12th of December, 1882, regularly dispatched for La Paz, in Lower California, and San Blas, Mexico, and on or about the 20th of the same month we encountered bois-

terous weather on reaching the Gulf of California which became a gale. The vessel being heavily laden with a large load on deck, the sea was high and washed the decks, and the cargo shifted, and the sails were split, compelling us to seek shelter, which we did on the 26th, coming to anchor about 4 miles southeast from Cape Palmo, on the coast of Lower California, Mexico. We secured the deck load, mended sails, and, while so engaged on the 27th, about 12 m., a custom-house boat boarded the vessel, examined the papers, and pronounced them all right. About two or three hours thereafter they returned with a sloop which they claimed as a prize, and made fast to the Adriana without any permission from me, George Caleb, the master thereof, and a Mexican sailor, armed with a musket, made me a prisoner on board my own ship for two or three days and until the officer of the customs allowed to go free the persons said to have been caught in possession of the captured sloop.

The wind meanwhile got to the southeast, and we were uneasy about dragging our anchors and of going ashore with the vessel, and we made sail, when another boat, which we found to be a custom-house "plonger," came and made fast to our vessel, and an officer with several men took full possession of the schooner and my log-book and myself, the master, and brought us to the port of La Paz.

While coming into port I endeavored to hoist the ship's flag, but was prevented by the men in charge; then I wished to call for a pilot, which was also denied; then I entreated to have an interview with the consul of the United States in this port, which was also denied me; then I asked for counsel, which was likewise denied, and I was compelled to sign certain papers, the contents whereof are unknown to me, and which I signed under compulsion and fear of my life, and to enable me to obtain the attendance of a physician, which had become indispensable in view of the state of my health. The physician came and told me I was in danger of my life unless I kept quiet and undisturbed; but the custom-house officers have persisted, and do persist, in plaguing me with questions, and now threaten to put me in prison and keep me "incommunicated" to the great danger of my ship's cargo and my own life, and in contempt of the flag under which we navigate. Therefore we, and each one of us, duly protest, &c.

GEORGE CALEB,
Master.

Sworn to and subscribed before me.

JAS. VIOSCA,
Consul.

(Certified to as correct by the mate and three seamen.)

No. 386.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 562.] LEGATION OF THE UNITED STATES,
Mexico, February 6, 1883. (Received February 19.)

SIR: I transmit herewith a dispatch from Consul Viosca at La Paz, Lower California, addressed to me on the 16th January, 1883, from which it appears * * * that on the 2d January, 1883, Consul Viosca addressed a communication to the judge of first instance, in which he stated the facts in the Adriana case to him, and further that Captain Caleb had been kept in strict "incommunication" from any one since the period of his arrest; that Captain Caleb having informed him that his presence was necessary on the vessel, he requested permission of the collector of the port to be allowed to go aboard of her, which permission was denied; that he protested against all these acts, and requested the judge to release and discharge the captain from custody, to which note no reply had been made up to the 16th of January; that proceedings are being conducted against both the vessel and the captain, which proceedings may, Consul Viosca fears, be lengthened out on account of the absence of the judge.

Referring to Consul Viosca's dispatch, your attention will be arrested by the acts of the Mexican authorities of which he complains, and particularly by the fact that the captain was in custody as late as the 16th January, 1883, and that bail had been offered and refused, although he was ill * * * and in which he thinks some action should be taken by me bofore the Mexican Government towards obtaining the release of Captain Caleb and the Adriana.

I have not complied with Mr. Viosca's suggestions for the following reasons:

1. As appears from the note addressed to the consul by the collector, the vessel was seized for violating section 1 of article 86 of the revenue laws of the country. If the facts be as stated the seizure was proper. All I could have applied for would have been for an investigation of the case, and this investigation, according to Consul Viosca's dispatch, was going on when he wrote.

2. Smuggling is, by the laws of Mexico, a penal offense. Parties charged with a penal offense, which is punishable by imprisonment at hard labor, are not entitled to bail. Captain Caleb was charged with smuggling. Had I requested that he be admitted to bail I would have been referred to that law.

3. It requires some sixteen days for a communication to reach La Paz from this city. Before an answer, even if favorable, would have the time to arrive at his destination, the case would have been, probably, decided.

To be able to attempt to protect the parties, however, as far as I could, I telegraphed Consul Kelton at Mazatlan to ascertain from Consul Viosca the then condition of the case, and to telegraph his reply. (There is no telegraph from here to La Paz, and the communication between Mazatlan and La Paz is, I am informed, fortnightly.) This would, if my requests are complied with, furnish me with the required information at least two weeks earlier than I could obtain it by mail.

What appears to me a most serious and important matter in this case is:

1. The act of the Mexican authorities in refusing to allow Captain Caleb to have access to the United States consul when he was arrested.

2. Their refusal to allow him to consult with counsel before being called upon to plead.

3. His not being allowed to communicate with any one until after he had given his statement to the customs officers.

4. His being forced (if it be true) to make statements from fear of bodily harm if he refused.

5. The refusal of the collector to permit the United States consul to visit the vessel.

I understand it to be the right of an American shipmaster to have access to, and the proper assistance of, the United States consul at the foreign port where his vessel or himself is in trouble. I understand that it is not merely the right, but the duty of such consul to go aboard an American ship when the vessel or her captain or crew are in trouble. The denial of these respective rights by the Mexican authorities to Consul Viosca and Captain Caleb was, in my opinion, at least, unjustifiable. The refusal of those authorities to permit Captain Caleb to procure counsel, and their isolating him until certain statements had been obtained from him, is, I think, in violation of Mexican law, and I should not have hesitated to bring the matter at once to the notice of Señor Mariscal, if it had not been that the reason for my remonstrance ceased to exist before Consul Viosca's dispatch was received. You will have seen that

the vessel arrived at the port of La Paz on the evening of the 1st of January, 1883. As the captain's protest was made on the 4th of January, 1883, it is evident that he had been allowed to communicate with the consul. As on the 16th of January, 1883, the case against both the vessel and her captain was proceeding, it is to be supposed that they had been provided with counsel.

Still, if the authorities have the power to deprive an American shipmaster of the right to employ counsel to defend him and his ships when proceeded against for a day, they may prohibit him from doing so at all; so also with regard to refusing to allow the consul to visit the ship. No better evidence of the wrong such proceedings may produce could be found than in the case under consideration, where, by the process resorted to, statements have been extorted from Captain Caleb which will be relied upon for the condemnation of his vessel and cargo, and for inflicting upon him an ignominious punishment. Whether a judgment of condemnation of the vessel and crew or sentence pronounced against her captain which rests upon testimony thus obtained should be submitted to, may become a question after the judgment shall have been pronounced.

As to the case in hand, however, the evil had been done and I could only have presented the question as one for the future, and this I have not felt myself authorized to do in the absence of instructions.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 56.—Extract.]

Consul Viosca to Mr. Morgan.

UNITED STATES CONSULATE,
La Paz, Mexico, January 16, 1883.

SIR: * * * That the judge of first instance * * * has acted unjustly there is no doubt, when, without sufficient evidence, he has declared the imprisonment of said Captain Caleb, at the peril of his life, in the condition of sickness he is, and has refused to admit bail, in order to have him transferred to a more suitable place for medical attendance and nursing, showing by such proceedings, first, on the part of the collector, and next on the part of the active judge, a manifest eagerness to inflict punishment without just cause, particularly when a petition of mine to the said judge has not been answered up to the present day, for unknown reasons.

The trial for the aforesaid detention of Captain Caleb, crew, and vessel is going on and will be delayed for some time on account of the absence from here of the district judge, who is at present at Magdalena Bay.

Some action, seems to me, is effectively necessary to be taken before the Mexican Government at your city towards obtaining the release of Captain Caleb and the schooner Adriana, to which end I have the honor to submit to you the above statement.

I am, &c.,

JAS. VIOSCA,
Consul.

No. 387.

Mr. Frelinghuysen to Mr. Morgan.

No. 369.] DEPARTMENT OF STATE,
Washington, February 15, 1883.

SIR: Under date of 10th instant the Hon. G. G. Dibrell, of the House of Representatives, referred to this Department, with a request that the information sought be obtained, if possible, a letter addressed to him by

Mr. W. B. Gibbs, of the 4th instant, expressing a desire to learn something in relation to the existing laws of Mexico with reference to immigration thereto. The several points upon which Mr. Gibbs would like information are presented in his letter, copy of which I inclose herewith.

Since the attitude of Mexico has changed so within the last few years, a succinct account of the present prospects of American immigration thither would be of service to enable the Department to properly answer the numerous inquiries of this nature presented to it.

You will therefore give the matter your attention, and report hither concerning it at your earliest convenience.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 369.—Extract.]

Mr. W. B. Gibbs to Hon. G. G. Dibrell.

UNION CITY, *February* 4, 1883.

DEAR SIR: * * * Several parties here are anxious to get information relative to the existing laws of Mexico in reference to immigrants to that country, and on my own behalf, as well as for the benefit of those here interested in knowing, I ask for—

1. Reliable information as to the desire of Mexico to have immigrants.
2. How long does it require to become a naturalized citizen of Mexico?
3. Are any inducements in the way of homesteads or land grants offered by the Government to actual settlers who become citizens; and, if so, what?
4. Are immigrants from the United States received without prejudice, or are they regarded with suspicion by the Government or the people?
5. At what prices can large grants of land suitable for colonization be obtained in the provinces of Sinaloa, Durango, or Chihuahua?
6. Of the high plains or elevated plateaus, what part is best watered and most fertile, and what diseases are most prevalent? * * *

I am, &c.,

W. B. GIBBS.

No. 388.

Mr. Frelinghuysen to Mr. Morgan.

[Extract.]

No. 370.] DEPARTMENT OF STATE,
Washington, February 20, 1883.

SIR: Your dispatch No. 562, of the 6th instant, relating to the case of the Adriana at La Paz, has been received and has had careful attention.

As your dispatch shows you to have been fully informed of the facts up to the date of writing, there is no present need of herein reciting the case.

Your conclusion accords with that of this Department, that the case, on the admitted statements, presents certain grave features.

1. The refusal of the Mexican authorities to allow Captain Caleb to have access to the consul when arrested, or when called upon to plead.

2. Their action in requiring Captain Caleb to sign certain declarations while *incommunicado* and without knowledge of their purport, especially as it appears that these so-called declarations may be relied upon

to establish the Mexican claim that Captain Caleb admits a violation of the criminal law of Mexico. That Captain Caleb signed the papers in question under bodily fear or constraint is not yet fully established. If it were, it would lend an exceptional gravity to the case.

3. The refusal of the collector to permit the consul to visit the vessel.

It is of course impossible to judge fully of the case until the text of the so-called declarations of Captain Caleb is known. It may be assumed, however, from the character of the sworn declarations made by him and his officers before Consul Viosca that it could not have been his intelligent or voluntary intention to put his name to a confession that he was willfully violating the laws of Mexico in regard to smuggling. * * *

If you have not already done so, you will now address Señor Mariscal, asking an examination, and requesting copies of the *declarations* signed by Captain Caleb. You will intimate to the minister that the manner in which Captain Caleb alleges he was constrained to sign papers of the contents of which he was ignorant, and while deprived of the assistance of the consul for his intelligent protection against any misunderstanding on his part, is regarded as an irregularity which, in the judgment of this Government, will deprive those declarations of any moral weight if they be trusted to sustain the charge of smuggling brought against the captain. And you will further intimate that the whole course of the proceedings appears to be so inconsistent with the principles recognized in the intercourse of maritime states that persistence in the prosecution of Captain Caleb on those premises could not fail to call forth the most earnest remonstrance of this Government.

It is not the desire or purpose of this Government to screen any of its citizens who may have willfully violated foreign law. But it is its plain duty to endeavor by every legitimate means to secure for its citizens under accusation of wrong-doing such justice and impartiality of treatment and such safeguards for their defense as shall entitle the judgment reached to the respect which judicial proceedings should everywhere command.

If the rules of international justice shall appear to have been in any way infringed, it is the undeniable right and obligation of this Government to interpose its diplomatic offices to insure a fair trial.

To so practical a jurist as yourself these brief indications will suffice for the present conduct of this case.

I transmit herewith for your further information, copy of a recent dispatch to the Department from the consul at La Paz in relation to the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 370.—Extract.]

Mr. Viosca to Mr. Davis.

No. 18.] UNITED STATES CONSULATE,
La Paz, Mexico, February 10, 1883. (Received February 19.)

SIR: Referring to my previous dispatches in the case of the American schooner Adriana, I have the honor to inform the Department that the proceedings preparatory to the trial followed by the judge of first instance (acting district judge) have not as yet had any progress towards bringing about the case for public trial. Such a delay is contrary to the laws regulating the same, because the said laws give a very peremptory space of time. On the 29th of Janua ry, 1883, I directed a communication to

the said judge of first instance, asking reliable information as to the reality of the detention or seizure by the authorities of the schooner Adriana, before my granting the request of the mate, who made application to this consulate for the clearance papers. Copy of this communication I beg to here inclose with the judge's answer and translation of the same, wherein he states that the schooner was lawfully seized.

On the 1st of February, the district judge being present and having taken charge of the proceedings, without furthering the investigation made by the judge of first instance, ordered the captain of the port to take charge of the vessel, stores, and everything on board; to make an inventory, and next to place everything at the disposal of the principal revenue officer (Comandante del Resguardo), which was verified, leaving the mate and crew on board the said vessel, under strict orders to not permit their landing. The next day the said mate and crew were marched from the vessel to the public jail, without being advised of the cause of their imprisonment.

Immediately after learning their whereabouts, I directed a communication to the chief politic and military commander, requesting a certified copy of the court's writ of imprisonment, which was granted.

The governor's reply, and my subsequent communication to the district judge, his answer, and so forth, are sent with this under inclosures. The Department will find them to contain full information of the several irregularities observed by the judge in dictating the writ for the aforesaid imprisonment. * * *

I am, &c.,

JAS. VIOSCA,
Consul.

Mr. Viosca to the judge of first instance.

UNITED STATES CONSULATE,
La Paz, January 29, 1883.

SIR: The mate of the American schooner Adriana, which vessel is now anchored in this port, has made application to this consulate for the clearance papers of the said vessel, in the name of Captain Caleb, who is at present sick. As no clearance can be granted by me, unless the aforesaid American schooner be solvent with the authorities of this port, I beg to be officially informed by your honor if she is detained by the judicial or administrative authorities, and, if so, what are the causes of her detention or seizure.

I therefore request an immediate reply on the subject in order to act accordingly.

With the highest consideration, &c.,

JAS. VIOSCA,
Consul.

The judge of first instance to Mr. Viosca.

LA PAZ, *January* 3, 1883.

In due answer to your communication of yesterday's, date I beg to state that the district judge having returned to this port, my official action ceases from said moment in the proceedings carried on concerning the contraband which took place at the Encenada of Trailes, by the American schooner Adriana, wherein it was ordered to secure the said vessel, and also all other objects determined by law in cases like the present one.

The above circumstances place me in the impossibility of permitting myself the honor of answering the items which you indicate in the aforecited communication.

Remaining, &c.,

G. M. YCAZA.

Mr. Viosca to the chief politic and military commander.

UNITED STATES CONSULATE,
La Paz, February 2, 1883.

SIR: It has come to the notice of this consulate that Mr. Kirchner, mate of the American schooner Adriana, and three of the crew, have been confined to jail by orders from the district judge.

I beg of you respectfully to allow a certified copy of the judge's writ to be issued and forwarded to this consulate.

With the highest consideration of esteem and respect,

I am, &c.,

JAS. VIOSCA,
Consul.

The chief politic and military commander to Mr. Viosca.

LA PAZ, *February* 3, 1883.

In compliance with the desire expressed by your note of yesterday's date, I have the honor to inclose copy of the communication received by this Government from the district court of this territory, asking for the arrest and imprisonment of the mate and crew of the American schooner Adriana.

J. M. RANGEL.

Copy of request for arrest of mate and crew of the Adriana.

DISTRICT COURT OF LOWER CALIFORNIA,
La Paz, February 2, 1883.

I will thank you to have the proper orders issued for the arrest and confinement to the city jail of the mate and crew of the American schooner Adriana, at present to be found on board of said vessel, and have them at the disposal of this court.

F. ENCINAS. [SEAL.]

Mr. Viosca to the district judge.

[Extract.]

UNITED STATES CONSULATE,
La Paz, February 3, 1883.

SIR: The chief politic and military commander of this territory has, at my request, furnished me a copy of your order to imprison the mate and crew of the American schooner Adriana, anchored in this port.

The order in question does not state the legal cause of the proceeding, nor the facts upon which to found the same.

Article 16 of the constitution of Mexico provides that no one shall be molested in his person except it is by a proper writ issued by competent authority, giving the grounds and legal cause of the imprisonment; and as my countrymen are entitled to all the rights granted by said constitution, they should not have been imprisoned as they have.

Such rights are also secured to them by the respective treaties between the two nations. * * *

I request you, therefore, to set the mate and crew of the Adriana at liberty, or state the cause of the imprisonment.

I remain, &c.,

JAS. VIOSCA,
Consul.

The district judge to Mr. Viosca.

DISTRICT COURT OF LOWER CALIFORNIA,
La Paz, February 3, 1883.

Per your communication of this day's date, I am informed of the protest directed to the court of my charge, against the imprisonment of the mate and crew of the American schooner Adriana. Cy deference and courtesy due to the respectable dignity of the consul of the United States, which you represent, I have the honor to inform you that the order for the arrest of the mate and crew of the schooner Adriana was issued by the judge of first instance, lawyer G. M. Ycaza, acting then district judge, to the chief politic and military commander, and that by his proceedings I can plainly see the legal cause of the above procedure. The aforesaid order not having as yet been complied with, another official note was directed to the said chief politic and military commander, requesting the immediate imprisonment of the said parties as before ordered in conformity with the laws.

With the assurances, &c.,

F. ENCINAS.

No. 389.

Mr. Morgan to Mr. Frelinghuysen.

No. 584.] LEGATION OF THE UNITED STATES,
Mexico, March 6, 1883. (Received March 19.)

SIR: I have now to report that on the receipt of your dispatch No. 558, 29th January, 1883, I addressed a note to Señor Mariscal in which I called the attention of the Mexican Government to the seizure of the American schooner Adriana, and the arrest and imprisonment of her captain (Caleb), mate, and crew, and in which I at the same time requested the immediate release of the vessel, her master, mate, and crew.

In Señor Mariscal's reply, dated the 19th February, 1883, while he informs me that the question of the legality of the seizure of the vessel has been referred to the department of Hacienda, he is silent as to the request that the vessel be released from seizure, and the captain, mate, and crew be liberated.

I am, &c.,

P. H. MORGAN.

No. 390.

Mr. Morgan to Mr. Frelinghuysen.

No. 597.] LEGATION OF THE UNITED STATES,
Mexico, April 4, 1883. (Received April 16.)

SIR: I transmit herewith the message of the President of Mexico to Congress, which opened on the 1st instant. I also send a translation thereof.

The important features of the message, as it strikes me, are the statements concerning the public improvements which are being carried on throughout the country in the form of railroads and telegraph lines, and the finances of the country.

In respect to the first of these, everything appears to be progressing.

In respect to the latter the same cannot be said. The receipts for the first half of the present fiscal year are stated to be $14,406,102, against $13,733,949 for the corresponding period of last year, a difference in favor of the present year of $672,153.

But the President states that the receipts have been falling off, and that the revenues for the second six months of the year will not probably equal those of the first half of the year. In the meanwhile, however, it would appear from the message, as it is currently reported on the streets, that the Government has not been able of late days to pay its current expenses. The President hopes that this is a mere temporary embarrassment. But when the extent of the revenue is considered in connection with what has to be subtracted therefrom in payment of subsidies to railroads, the vast amount which the contracts for immigration which have been entered into within the last two years, the maintenance of an army of some 25,000 men, and the natural expenses of the national Government, and when it is considered that the arrears of the Government amount at present, as I am assured from the best authority they do, to upwards of $3,000,000, the outlook is not, to me at least, a very cheerful one.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 597.—Translation.]

Extract from the Diario Oficial, Mexico, April 2, 1883.

MESSAGE OF THE PRESIDENT OF MEXICO.

GENTLEMEN DEPUTIES, GENTLEMEN SENATORS: I fulfill with pleasure the duty conferred upon me by the constitution to present to Congress the condition of affairs in the republic.

The difficulties which existed in our foreign relations, arising out of the long standing question of boundary with Guatamala, having entirely disappeared, I can state that the friendly relations which exist between the Government of Mexico and other nations are to-day stronger than they were in September last. Our differences with the above-referred to republic not only placed us, as is well known, in a grave position towards her, but provoked on the continent, and especially in Central America, unfounded suspicions with respect to the policy and plans of Mexico which produced, if not hostilities, at least distrust. But the true and sole purpose of Mexico having been set forth by our diplomatic representative to the several Central American States, and to the frank and honorable conduct of our Government, there is reason to believe that all suspicion of our ambitious projects have been allayed.

The boundary treaty with Guatemala, signed at this capital on the 27th September last and approved by the Senate on the 17th of the following October, was also approved by that republic on the 21st December, and having thus been approved by both Governments, ratifications will, as the secretary for foreign relations has been assured, soon be exchanged. It seems to me needless to enlarge upon the importance of these acts, which put an end to a long-pending question, and one of painful importance, the results of which cannot but be beneficial as well to Mexico as to Guatemala.

On the 3d of the past month, ratifications of a convention were exchanged at Washington, entered into by both Governments, for the replacing of the monuments which, in conformity with existing treaties, should mark the dividing line between our republic and the United States of America. The other convention to which I called your attention in my former message, entered into with a view of the re-examination of the "Weil" and "La Abra" claims, is still pending in the United States Senate.

On the 20th January of the present year, commissioners duly appointed by both Governments, signed in that country a commercial treaty, the principal stipulations of which authorize the importation, free of duty, of a certain number of the productions of the one country into the territory of the other during six years. Reserving for a proper opportunity the presenting of this international document which is considered of advantage to both parties, for the sanction of the Senate, I limit myself to informing you that it has been submitted for the approbation of the American Senate.

The German Government, not having ratified the treaty of friendship, commerce, and navigation agreed to with that power on the 5th December, 1882, and approved by the Senate on the 15th of the same month, it has been agreed to prorogue the one of the 28th August, 1869, to the 30th June next. Also, by common accord, the treaty of commerce and navigation entered into with Italy on the 14th December, 1870, has been prorogued to the same date.

Ratifications of the convention with Spain, entered into on the 17th November, 1881, for the extradition of criminals, were exchanged in this city on the 3d March last, and were promulgated a few days later. This fact will put an end to the frequent difficulties which the want thereof gave rise to, owing to the proximity of Cuba to our coast.

With regard to our internal affairs, the elections held to fill vacancies in the supreme court of justice have been regularly held throughout the country, and at about the same period municipal elections were held in the federal district and in the territory of Lower California.

The public peace has been preserved without any notable disturbances thereof throughout the country, to which the rural police have efficiently contributed. This institution, in view of its great utility, has received the careful consideration of the Executive.

In several of the States, as Oaxaca, Chiapas, Chihuahua, Nueva Leon, Michoacan, and Tabasco trifling disorders have occurred, but only with reference to their interior affairs; fortunately, however, they were all of an inconsiderable character, and order was restored without serious effort.

The Executive has preserved the best harmony in its relations to the States, and has not had to lament any conflict to trouble them or render their maintenance difficult.

In this connection it is gratifying to me to be able to announce that the State of Jalisco has resumed its constitutional relations, and the newly elected officers thereof are discharging their duties.

The postal code will soon go into operation, and will introduce reforms of the greatest importance urgently demanded by the exigencies of the mail service. The careful study which the importance of the subject submitted to the commissioners demanded has retarded the introduction of the advantages which, without doubt, commerce and the public generally will derive from the postal reforms which have been determined upon.

In the States of Chiapos, Tabasco, and Oaxaca, a disease having made its appearance which from its character and ravages caused alarm, energetic measures were successfully taken by the Government as well to prevent its propagation as to relieve parties who had been attacked. Happily the epidemic has almost entirely disappeared.

Works of public beneficence are of the greatest interest to the Executive, and although it has not been possible, for various causes, to erect the buildings to be dedicated to these purposes, and for which appropriations have been made in the budget, considerable sums have been expended in the preservation and improvement of those now in existence.

In the department of justice it is pleasant for me to be able to state that the law passed by Congress which provides that the federal district judges shall be elected by the popular vote, in conformity with section 6 of article 72 of the constitution, has been strictly executed, and that, the election having taken place in due season, the results thereof, after verification, were published, and all the functionaries elected thereunder entered upon the discharge of the duties of their office on the 1st of January of the present year.

In view of the increase of the population and commercial movement in the frontier States of Chihuahua, Coahuila, and Nueva Leon, the Executive considers it indispensable that district courts should be established at one or two more points on the northern frontier, and to this end it will submit to Congress the necessary project of a law.

In my message of September last I recommended to Congress the prompt passage of the laws which were submitted to it with reference to the adoption of a commercial code, a mining law, and the enforcement of article 96 of the constitution. I renew the recommendation.

As regards the department of public instruction, the Executive having been authorized to take the steps necessary for the reorganization of the national conservatory of music, has been able to place that institution upon a basis of great utility, at the same time that it has placed its expenses within a prudent and economical limit.

With the view to perfect a uniform system in primary instruction and, at the same time, to give to it its largest development, the secretary of that department is preparing a project for a normal school, which will, no doubt, be productive of the best results.

In the primary schools for boys and girls, which belong to the department of justice, 3,487 scholars have been registered during the past year; a very large number, when it is considered that there are only ten of these schools. In the establishment of secondary and professional instruction 3,795 students have been enrolled.

Passing to the department of fomento, I am pleased to be able to state that the progress made in that branch of the Government is of great importance, and authorizes the opinion that it will powerfully contribute to the preservation of peace, as it develops day by day riches and the national prosperity.

On the line from Mexico to El Paso del Norte, the work on the Central Railroad has reached near the city of Aguas Calientes, and from El Paso south to Santa Rosalia, south of Chihuahua.

On the line from Tampico to San Luis, starting from the point first named, about one hundred kilometers have been constructed. The grading of the road to the summit of the table-land is sufficiently advanced.

On the Pacific line work has been commenced at the port of San Blas.

The National Construction Company has completed its line from this city to Acambaro and within a short time will have extended it to Movalia. Towards the north the line is completed between Nueva Laredo and Monterey, and the work is being pushed in the direction of Saltillo. A new impulse has been given to the line of the same company between Matamoras and Monterey.

The road from Guaymas to Los Nogales, 501 kilometers in length, running through the State of Sonora, has been completed, and has been operated since the month of October last. Connecting as it does with lines in the United States, it affords a transcontinental communication.

The International Construction Company has commenced work at Piedras Negras, and is proceeding rapidly with the construction of the permanent bridge across the Bravo, in substitution of the temporary one which it had already built.

The old Morelos Railroad Company, which has been merged with other concessions into one company with the view of establishing an interoceanic line between Vera

Cruz and Acapulco, has lines completed from this capital to Ivolo and Calpulalpam, and from Cuautla Morelos to Yantepec. These lines are three hundred kilometers in length.

On the 21st of last month the Puebla, San Juan and San Marcos Company completed its line of 91 kilometers, thus anticipating the time fixed by their contract.

The Hidalgo Company completed in the month of December its road from Ivolo to Pachuca, and is now at work on the line from San Augustine to Teoloyuacan.

A road is completed between Altata and Culiacan.

The concessions granted in the States of Yucatan and Campeachy are being prosecuted.

The same is to be said of the lines from Alvarado to Vera Cruz, from Puebla to Izucar de Matamoros; from San Marcos to Nautla, and from Chalco to Tlalmanalco.

Work on the National Railroad on the Isthmus of Tehuantepec is being actively prosecuted and extended. The construction thereof has proceeded satisfactorily, as, notwithstanding the epidemic which prevailed in the southern portion of the isthmus, fifteen kilometers in that region and ten in the north have been completed. These, added to those which had already been built by the former company, give a result of sixty kilometers.

The survey of the line for the transportation of ships across the isthmus, for which a concession was granted to Mr. James B. Eads, has commenced.

The federal telegraph lines have been considerably increased, and many of these have been completed. More than 2,000 kilometers have been established since my last message, which, added to those already in existence, form a total of upwards of 18,000 kilometers of telegraph lines the property of the republic.

The important industry of mining has also had my earnest consideration. Besides the reports which have been gathered upon the actual condition of that industry, the department of fomento has sent out a number of engineers, who are at the present moment exploring the mineral regions of the country. Under the auspices of the same department, a Mexican society of mines has been formed, and held its first meeting on the 5th of February last. The Government hopes that the greatest advantage will result from this institution, which has ramifications throughout the country.

In conclusion, in respect to the department of fomento, I permit myself to recommend to you the passage of the laws submitted to you by that department upon the subject of colonization, of navigable streams, of lakes and the sea coast, of patents of invention, of mountains. The necessity of a modern and wise legislation upon these subjects cannot be denied.

Coming now to the actual condition of the public treasury, I have the honor to inform you that receipts of revenue for the past six months of the present fiscal year were greater than that of the corresponding period of the last fiscal year, the sum received being $14,406,102, against $13,733,949 for the year 1881–1882. Perhaps a like increase will not be experienced in the last half of the year. A certain falling off of the receipts has been observed, due to circumstances which I shall now proceed briefly to bring to the notice of Congress.

When the construction of railroads on a large scale commenced in the Republic, the two great companies, the "Central" and the "National Construction Company," were obliged to procure from abroad considerable sums of money; the result was that Mexican merchants were not forced to export silver, as they could procure in this market bills with which to pay for the purchases which they made abroad. Transactions became easier, and as the consumption increased their orders became more important, in consequence of which importations increased. Coincident with this condition of things was the establishing of several institutions of credit, which in inaugurating their operations diminished the rate of interest below the point which the condition of the money market probably warranted, thus powerfully stimulating commercial activity.

As soon, however, as the railroads commenced to reap the results of the operating of their lines, without taking into consideration the subventions which they received in virtue of their concessions, and when the banks, in regulating their operations, increased the rate of interest, the situation was seriously modified and in a sense less favorable to importations.

However, until within the last few days the expenses of the public service have been paid regularly; and if the financial danger and difficulties have not been entirely dissipated, the Executive hopes that any embarrassments which may arise will only be transitory. In any case, constant development of the country offers assured elements for the prompt re-establishment of the regular payments of the obligations carried on the budget.

Here it appears to me opportune to inform Congress that the amounts which were due to the railroads at the end of the last year have been paid, with the exception of those due to the Central and the Sonora roads. The sums due to the first of these are paid by the retention of 6 per cent. upon the customs receipts, which is paid with the

greatest exactitude; as to the second, the amount remaining due is being paid in installments which have been agreed upon between the Executive and the company.

Plans for the reform in the customs tariff are being studied, and, although the question is a perplexing one and full of difficulties, the Executive does not doubt that it will be satisfactorily settled, to accomplish which, however, it may become necessary for him to ask for an extension of the time fixed therefor by Congress.

The board of administration of the Hypothecary Bank of Mexico has notified the Government that the 40,000 shares thereof were subscribed for on the 17th March last. On the 22d of that month a general assembly of the stockholders was held, and the company declared to be regularly organized, with a capital of $4,000,000, as provided for by the contract of concession. It commenced operations on the same day, which operations, it is to be hoped, will result generally to the benefit of agriculturists throughout the land, who will find in this bank and in the low cost of transportation which the railroads will furnish to them the opportunity of increasing the exportation of the products of the country.

During the present session Congress will be called upon to discuss the revenues and expenditures for the coming fiscal year. The Executive confidently rests upon the patriotism of the houses, the hope that their legislation upon this subject will permit the country to establish a perfect equilibrium in the federal budget, and he will be ready to energetically second your efforts, and to dissipate as much as possible the difficulties of the situation through the means of a prudent economy.

As relates to the department of war and marine, it would take too much time to relate here the movements of all troops in the several States of the Republic, and to notice the services which they have rendered; besides, military affairs will form the subject of a special message, and I shall therefore content myself now with noticing a few details relating thereto.

The work undertaken at Chapultepec for the installation of the military school, as well as the school of practice, is being actively prosecuted. The plan for a reform in the rules of the military school has been completed.

The Government has purchased for the use of the custom-houses on the Gulf the steamers Brazil and Pennsylvania, which will soon be ready for service. Crews composed of intelligent and educated officers and seamen are now being provided for them.

The work of establishing schools at Lima and Acapulco is being rapidly pushed forward, and it is to be hoped that the one at Lima will be opened by the end of the present month.

A commission has been appointed to study the torpedo system of Europe and the United States, a system which is now considered as the best and least expensive one for coast defense.

The code of army regulations has been printed and is now in force.

GENTLEMEN DEPUTIES, GENTLEMEN SENATORS: The succinct account which I have thus given you establishes the fact that the condition of the Republic is, in the main, satisfactory. But, far from attempting by vain efforts to conceal from you the single weak points in our administrative workings, which might give rise to any apprehensions, I have frankly called your attention to them.

This loyal confession accords not only with the sincerity and honesty which should characterize all information which the Government furnishes to Congress, and through it to the Republic; it was not only necessary on my part, for frankness has been the base of my preceding messages, but that it may serve as a guide to all public functionaries, to the end that each of them, in the sphere of his duty, shall, with the greatest zeal, collect the duties, at the same time that order and the strictest economy should be exercised in the administration of the resources of the nation.

No. 391.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 602.] LEGATION OF THE UNITED STATES,
Mexico, April 17, 1883. (Received May 3.)

SIR: Referring you to my dispatches relating to the seizure of the Adriana and the arrest of her captain, mate, and crew by the Mexican authorities at La Paz, charged with smuggling, I now transmit a copy of a letter addressed to me by Captain Caleb, dated 19th March last,

which I received on the 12th instant. In this letter he states the facts connected with his arrest, with which you are familiar, and the treatment which he has received at the hands of the authorities. I have replied to him, assuring him that everything had been and was being done to relieve him from the trouble he is in. * * *

I have also requested Consul Viosca to ascertain whether any case has occurred in which parties similarly situated have been admitted to bail, and, if so, I have suggested that application should be made to admit the crew of the Adriana to bail.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 662.—Extract.]

Captain Caleb to Mr. Morgan.

LA PAZ, LOWER CALIFORNIA,
March 19, 1883.

SIR: * * * We have done nothing wrong; neither I nor my crew. But the custom-house people got two men, one a Mexican and the other an Italian, to testify falsely that goods had been smuggled from my vessel while she was lying weather-bound near the coast above Cape St. Lucas. I cannot understand these people. I know nothing of their language. They threw my crew and myself into prison, as though we were murderers, and have treated us as though we were murderers. The reason, they say, is that two or three packages were taken from my vessel while lying under the lee of a high point, during a heavy norther, which had split our vessel and done other damage, starting a leak. I declare most positively, as I have declared here under oath, that I did no smuggling. I did not own a dollar's worth of goods and I had a full cargo. I owned the half of the vessel only and the provisions on the "ranch list." I had nothing to smuggle, and, as I have said here, the only testimony they got was that of an Italian and a Mexican boy. The Italian had been my cook, and had threatened me before I discharged him. It is understood here, generally, that the custom-house men paid these fellows to testify.

It must be so, as they ran away as soon as they had testified. They make another point. It seems that while we were weather-bound we were near the pearl-fishing grounds, and that at the same time there was a small fishing boat of two or three tons anchored about a mile and a half from us. The custom-house boat, seeing us, came on board, and after staying awhile and being well entertained, the officer and men bade us good-by, and started for shore. Soon after we saw them go alongside of the fishing boat, and a little after take it in charge and brought it to my vessel, and then let the men go who had the boat, setting them ashore. Then they came back and seized my vessel by force of arms. It seems there were some goods in the fishing boat, two or three packages; what they were I don't know. They now charge that these goods must have come off my vessel, although they allowed the men in the fishing boat to escape, *putting them ashore themselves*, and from this beginning they have brought us to what we are now, and avow their intention to ruin us and sell all we have, and keep me here till I am carried to the grave-yard.

* * * * * * *

Very respectfully, &c.,

GEORGE CALEB,
Master Schooner Adriana.

No. 392.

Mr. Morgan to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Mexico, April 21, 1883.

Mr. Morgan cables that he is informed by telegraph from our consul at Mazatlan that Captain Caleb is sentenced to five years' imprisonment, that the Adriana is confiscated and the crew released, and that the case has been appealed.

No. 393.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 606.] LEGATION OF THE UNITED STATES,
Mexico, April 25, 1883. (Received May 10.)

SIR: I think I shall better comply with the wishes expressed in your dispatch No. 369, 15th February, 1883, by replying, as far as I am able to do so, to the questions propounded by Mr. W. B. Gibbs in his letter to the Hon. G. G. Dibrell, of the House of Representatives, which accompanied it.

(1) *Reliable information as to the desire of Mexico to have immigrants?*

Laws intended to attract immigration to the country were passed at least as far back as 1845.

The law of the 27th November of that year, which was published on the 27th of November, 1846, provided for the appointment of a council of immigration, to act under the supervision of the department for foreign affairs.

The law of the 4th December, 1846, attempted to regulate the duties of the immigration commissioners and to determine the rights and obligations of the immigrants. I believe that the effort of this legislation was not successful. Within a comparatively recent date the attention of the Government has been again directed to the question, and, by means of contracts with private individuals and corporations, efforts are being made to supply what is considered the greatest need of the country. I have not been able to procure a copy of all the contracts entered into upon this subject. Still I have seen a sufficient number of them to enable me to place before you a general view of the question and how it is being handled, and which will give to parties interested, or who propose to interest themselves in the matter, some basis upon which to form their operations.

(1) On the 31st August, 1881, a contract was entered into with Edward Clay Wise, a citizen of the United States, and his associates, for the colonization of lands in the State of Chiapas. The lands were to be such as might be acquired by the company, which he should form and represent by contract, and *terrenos baldios*. (Of these lands I shall speak further on.) The nationality of the colonists is not prescribed in this contract. At least 300 families and 200 colonists are to be established within six years from the date thereof.

(2) One was entered into with the "Meridional Mexican Railway Company" on the 16th of January 1881, for the colonization of lands situated along the line of that road running through the States of Vera Cruz, Pueblo, Oaxaca, and Chiapas. The nationality of the colonists is not alluded to in this contract.

(3) On the 21st of January, 1881, one was entered into with Robert B. Symon, a citizen of the United States, and his associates for the colonization of *terrenos baldios* in the frontier State of Sonora. The colonists are to be Europeans of the Latin race and native-born Mexicans.

(4) On the 17th day of January, 1882, one was entered into with the "Mexican Colonization and Industrial Company" for colonizing the islands of Tiburon and Angel de la Guarda, in the Gulf of Cortez, Lower California, to which was afterwards added the island of San Esteban, with one hundred families, of whom two-thirds are to be Europeans and one-third Mexicans.

(5) One was entered into on the 21st of February, 1882, with various parties (names not published) for the colonization of lands in the State of Morelos, district of Cuernavaca. Nationality of colonists not mentioned.

(6) One was entered into on the 6th of June, 1882, with Rafael Portaz Martinez for colonizing lands in the States of Yucatan and Campeachy. The colonists are to be taken from the Canary Islands.

(7) On the 4th of December, 1882, one was entered into with General Jesus Alonzo Flores and Casticlo Zenteno for the cultivation of *terrenos baldios* in the State of Tamaulipas. Nationality of the colonists not specified.

(8) On the 18th of December, 1882, one was entered into with Mr. Daniel Levy for the colonization of lands in the State of Vera Cruz, canton of Zangolia, with Europeans, Canary Islanders, and Egyptians.

(9) On the 6th of January, 1883, one was entered into with Daniel Levy, by which he was authorized to form a general colonization company with a capital of $4,000,000. By this contract it is agreed that five thousand families, to comprise twenty thousand persons, are to be colonized. Of those 80 per cent. are to be Europeans; the balance Mexicans.

(10) On the 10th of January, 1883, one was entered into with Mr. Isidore Epstein for introducing into the country German agriculturists. To this end he has agreed to go to Germany and Switzerland, there to lecture and publish pamphlets upon the advantages which Mexico offers to agriculturists.

(11) On the 17th of January, 1883, one was entered into with Salvador Malo to establish a colonization agency embracing Europe and the American continent. The agency is to bring, within the term of ten years, from twenty to fifty thousand European and American colonists, 75 per cent. of whom are to be Europeans.

(12) On the 26th of January, 1883, a contract was entered into with Luis Verdier, by which he was to go to Europe, with the view of inducing Irish, Germans, and French to migrate to Mexico.

(13) On the 3d of April, 1883, one was entered into with Ramon Fernandez, with the view of colonizing lands in the State of San Luis Potosi. The nationality of the colonists is not stipulated.

Other contracts have been made, one notably with a Mr. Fulcheri. I regret that I cannot give you any of the details of these, as they are the most important ones, seeing that they have been carried into effect.

One was also made with Mr. David Ferguson for the colonization of Lower California, bu it has been declared forfeited.

I also understand that one was made with Mr. Samuel Brannon, an American, for the colonization of lands on the northern frontier.

* * * * * * *

As to the obligations assumed by the Government towards the contractors, the following will give a general view thereof.

In the "Wise" contract the Government agrees to pay $60 for each immigrant above the age of fourteen years, and $30 for those between three and fourteen. For each head of a family (husband and wife, with or without children) a bonus of $30. Payment to be made one month after the arrival of the immigrants in the State of Chiapas.

The contract with the "Meridional Railway Company" provides for the payment of $35 for each immigrant landed, of upwards of seven years, and a bonus of $30 for each family when established. Payment to be made one month after the arrival of the colonists in the States of Vera Cruz, Pueblo, Oaxaca, and Chiapas, or at the place where they are to be definitely located.

The "Symon" contract does not stipulate for the payment of any price for immigrants. A grant is made of 50,000 hectares of *terrenos baldios*, in the immediate neighborhood of the Arizona Mountains.

The contract with Guillemo Andrade gives $35 for each immigrant above the age of seven years, to be paid one month after their arrival.

The "Martinez" contract allows $35 for each immigrant above the age of twelve years, and $15 each for those between three and twelve. To each head of a family shall be advanced, for the period of one year, $6 per month for each person of over twelve years of age, and $3 for those between three and twelve. The property assigned by the company to the immigrant to be mortgaged by him in favor of the Government to secure the advances made as above; these advances to be paid in two equal installments, to commence two years after the immigrant has been established.

By the "Flores-Zenteno" contract the Government is compromised to pay $60 for each immigrant above the age of fourteen years, and $30 each for those between three and fourteen years. In addition, a premium of $30 is to be given to each family when established. These payments are to be made one month after the immigrants have been settled in Tamaulipas.

By the "Levy" contract the Government is to pay to the company $315,000 annually for thirty years.

Under the "Malo" contract the Government agrees to pay the company $700 for each head of a European family of agriculturists; $350 for each member of his family of seven years of age and upwards; $700 for each agriculturist; $500 for the head of each family of Mexican agriculturists; $250 for every member of a Mexican family of seven years of age and upwards; $100 for each foreign laborer or mechanic; $50 for each member of a family of the above of seven years of age and upwards. For each immigrant who comes out as an agriculturist, but who is not one, his passage and transportation; for each member of a family of the above, of seven years of age and upwards, his passage and transportation. The same with reference to those who come out and cannot agree with the company after their arrival. These payments are to be made by the Government within thirty years.

By the "Verdier" contract the Government agrees to pay $5,000 for his expenses; $30 for each immigrant of fourteen years of age and upwards, and $15 to those between six and fourteen.

By the "Fernandez" contract the Government is to pay for each immigrant above fourteen years of age $60, and $30 for those between three and fourteen, besides a bonus of $30 for each family located; the payment to be made one month after the colonists shall have arrived. Assume that he will bring in 1,000—say that one-half of them will be under fourteen years of age—for one 500 he will receive $30,000; for the second 500, $15,000. Say a family averages four persons; for each family he is entitled to $30; 250 families, $7,500; total to be received in money, $52,500.

The "Meridional" contract calls for two thousand families. Assume a family to consist of four persons, the number of immigrants will be 8,000. I may assume as a basis for the calculation that they will all be above the age of seven years, inasmuch as the families will average largely over four persons; for each immigrant, therefore, the Government will pay $35; 8,000 immigrants, at $35, $280,000; besides $30 to each head of family, of which there will be 2,000, $60,000; in all, on the "Meridional" contract, $340,000.

There is no money stipulation in the "Symon" contract.

In the "Andrade" contract the number of families is not limited. The number, however, cannot be less than one hundred—say 200 families of 400 immigrants. Four hundred immigrants at $35 each, $14,000.

The "Martinez" contr ct calls for 1,000 families, or 4,000 immigrants at $35 each, $140,000.

In the "Flores-Zenteno" contract the number of immigrants is not limited. Assume that the number will be 1,000 above the age of fourteen years; for these he is to receive $60 each; total, $60,000.

The "Daniel Levy" contract provides for the introduction of 5,000 families, to amount to 20,000 persons. The money obligation on the part of the Government to Mr. Levy is to pay him annually $315,000 during thirty years, or=$9,450,000.

The "Malo" contract provides for the introduction of from 20,000 to 50,000 immigrants. For each head of a family of agriculturists he is to receive $700, and $350 for each member of his family above the age of seven years; for every farmer, $700. There are other gradations which it is not necessary for me to recapitulate here. Assume that Mr. Malo will bring into the country under this contract 20,000 adults; the amount which he will receive will be $14,000,000.

The "Verdier" contract provides for the introduction of 100 families, for which he is to receive about $3,000.

There is no limit fixed to the number of immigrants to be introduced under the "Ramon Fernandez" contract. Suppose that he brings 1,000 adults into the country; as he is entitled to $70 for each of these, he will receive $70,000.

The foregoing figures are, of course, in a great measure only approximative, but I believe that I have rather under than over stated them. They aggregate, as will be seen, about $24,000,000 of obligations, which have been assumed by the Mexican Government; the two largest and altogether the most important of which are to be paid within thirty years. They make an average of over $800,000 per annum for that period.

Other obligations have been assumed by the Government in favor of the contractors, but they relate, principally, to assuring them the possession of *terrenos baldios*, which, in my opinion, are of little importance for reasons which, when I come to the third of Mr. Gibbs's questions, I shall develop.

In the "Levy" contract, however, this obligation is a serious one, inasmuch as the Government has agreed to sell to the company as much as 800,000 hectares of *terrenos baldios* or other national property which has not been destined to the public service.

Obligations have also been imposed upon the contractors in favor of the immigrants whom they may introduce into the country. These obligations differ in the several contracts, and are matters of agreement. I give you a synopsis of those contained in one of them, which will, I suppose, suffice.

In the "Levy" contract the company is obliged to erect for the use of each colony which it may establish, and without any compensation therefor, one forge, one carpenter's shop, a telegraph or telephone office with the funiture necessary thereto; it is obliged to furnish, and without any compensation, four lots of from four to five hundred square meters each, centrally located, for the erection of warehouses (*oficinas*). It is obliged to establish, and to support for two years, two primary schools, one for boys and the other for girls, under the direction of Mexican professors.

It is obliged to give to each colonist of upwards of seven years of age 4 hectares of land in the table-land (*tierra fria*), or 3 hectares in the low-lands (*tierra caliente*), and in no case shall a family of agriculturists receive less than 12 hectares in the table-land or 9 in the low-lands. It is obliged to furnish each head of a family on arrival at the colony a good house, sufficient for the necessities of the family which is to inhabit it, erected in a lot of 400 square meters, each house to consist of three apartments, one of which shall be at least 20 meters square, and the others 16 meters square. Besides, the company is obliged to give to each head of a family of agriculturists one pair of oxen or mules, one cow, one mare or she mule, one hog, one she lamb, two pairs of fowls or doves, two plows, one of iron and the other of wood, with their accessories, one ax, one large knife (*machete*), one wooden mallet, one paving chisel, and sufficient seed for the two first plantings, suitable to the land to be cultivated, to the value of $20 each.

The obligations of the colonists to the company are: They are to pay for the lands which shall have been allotted to them, and for the animals, utensils, and per diem which they shall have received, each head of a family $700; each member of a foreign family above the age of seven years, $350. Thus a family of four persons could pay for a house and lot and the animals and implements above named, together with about $300 advanced for their support and about 35 acres of land, $1,050. They have ten years to pay this in, dating from the second year of their possession.

The obligations of the company to the Government are: The colonies are to be established within five years from the date of the contract. They are to bring no colonists into the country who have been sentenced to punishment for the commission of a crime; they are to be agriculturists and artisans. The company are to deposit in the *Monte de Piedad*, six months after the signing of the contract, $50,000 to secure the performance thereof. These $50,000, as soon as the first colony shall have been established, are ceded to the department of fomento for the development of agriculture.

Upon the retirement of the $50,000 mentioned, the Government will reserve $100,000 out of the moneys to be paid to the company to secure the performance of the contract. They are to pay to the Government for each head of a family of foreigners $350; for each member of a family of foreigners above the age of seven years, $175; for each head of a Mexican family, $250; for each member of a Mexican family above the age of seven years, $125; total, $900.

With these suggestions and the contract in view, any person interested in the question may form an approximate estimation of the advantages and disadvantages of the contract.

The status of the colonists is that they are Mexicans in the sense that whatever difficulties they may find themselves in are to be decided by the tribunals of the Republic, and they are without any rights as foreigners.

(2) *How long does it require to become a naturalized citizen of Mexico?*

No time is specified by the law.

Naturalization in Mexico takes place in several ways:

(1) By the act of the President, upon the application of the party, made before the judge of the place of his residence, from which it must appear that the applicant is a person of good character and has an honest mode of livelihood.

(2) When the son of a foreigner born in Mexico, and who has been emancipated during his minority, allows a year to pass after having at-

tained the age of majority without having declared his intention to retain the nationality of his father.

(3) When in the act of emancipation of the son of a foreigner it is not declared that he retains the nationality of his father.

(4) If he accepts a public employment which is reserved to Mexicans.

(5) Marrying a Mexican woman, coupled with the declaration of intention to establish himself in Mexico, with the qualities of a Mexican, which declaration must be made within one month from the celebration of the marriage, if it took place within the Republic, and within one year thereafter if it was celebrated outside of it.

(6) Coming into the country as a colonist, under the protection of the laws which specially regulate colonization.

(7) When a foreigner purchases real estate in Mexico without reserving, at the time of purchase, his nationality.

(8) When a son is born to him in Mexico of a Mexican woman, unless he reserves his nationality.

Naturalization confers upon the party naturalized all the rights and imposes upon him all the obligations which belong to and devolve upon Mexicans, except those which are especially reserved. For instance, naturalization does not entitle a person of foreign origin to become President of the Republic, a magistrate, attorney-general, governor (in many of the States), public writer (notary public), &c. Neither can they enter upon public lands in the States or Territories adjoining the country of their origin or in which they were naturalized.

(3) *Are any inducements in the way of homesteads or land grants offered by the Government to actual settlers who become citizens; and, if so, what?*

I believe the Mexican Government has no ascertained national domain; no authorized survey under national auspices has ever been made. I understand that an effort is now being made in that direction on the Pacific coast, in the neighborhood of Acapulco, as well as on the northern frontier, but without any published result so far. There is no national land office, and so the Government does not know what, if any, lands it possesses.

There is, however, supposed to be a great quantity of land known as *terrenos baldios*. The literal translation of this term is, I believe, "uncultivated lands." In law it signifies lands which have no known owners. Article XXIV of the constitution of 1847 recognized the existence of such lands and authorized Congress to assume control over them, and establish rules governing their occupation, and the price at which they might be sold. Congress exercised this right by conferring upon the President of the Republic for the time being the power to regulate the matter. This, successive Presidents have done—the first time by President Juarez, then by President Diaz, and last by President Gonzalez. The price at which these lands may be acquired is fixed by the President every two years, and it is a notable fact that the prices fixed by President Gonzalez are less than those fixed by either of his predecessors, from which it may, I think, be assumed that the attempt of the Government to get them occupied has not been successful. One great difficulty in the way is that the party who wishes to occupy these lands must first find them. When he thinks he has found them he denounces them to the judge within whose territorial jurisdiction they are. The judge then issues a proclamation in the nature of a monition, calling upon all persons claiming title to them to appear and defend their rights within a certain time. The time elapsed, and no one appearing to contest, the party denouncing them is ordered to be put in possession. But, as you are aware, the lands in this country have been largely

granted, some of the grants extending, as I may say, from sunrise to sunset, and the difficulty is in finding good lands which have no owner. In all of the contracts to which I have directed your attention the Government has conceded rights to these *terrenos baldios*, and to other public lands, but the fact is, as I have before stated, the Government has no lands which it can dispose of; the best evidence of which is, that it was obliged to purchase those upon which the immigrants under the Fulcheri contract were located. And it is well to observe in this connection that whereas Americans may obtain permission from the Government to acquire lands within twenty leagues of the northern frontier, they cannot do so under the law in respect of the *terrenos baldios*.

I do not go into any further details upon this point, because I think that no man in his senses (no American, at least) who wishes to establish a colony in Mexico would go in search of these lands. He would, naturally, first become the undisputed owner of a property which he desired to colonize before he entered upon the speculation.

(4) *Are immigrants from the United States received without prejudice, or are they regarded with suspicion by the Government or by the people?*

I cannot answer this question authoritatively for the reason that there is nothing that I can call an American immigration into the country. There is a large investment of American capital here in railroads and in mines; but the number of our citizens who come here is small. Those who do, come in search of employment on the railroads, or in the mines, or as clerks; and if I may judge by the number of those who apply to this legation and to the American Benevolent Association for assistance to enable them to return home, I should say that coming to Mexico had not bettered their fortunes. Doubtless this is due, in great measure at least, to a want of knowledge on their part of the language of the country; to a difference in the habits of the people here from those they have been reared amongst; to a difference in the methods of business; and to the fact that men fail here as they fail elsewhere.

Upon principle, I see no reason why the Government or people should feel suspicious of or be unfriendly to Americans who come to Mexico with the sole purpose of bettering their fortunes, at the same time that they are assisting to develop the resources of the country, thereby adding to its wealth and increasing its population. But this can only be ascertained, in so far as the Government is concerned, by actual experiment. The experiment would be primarily tested by some citizen of the United States proposing to make a contract similar in terms with one of those I have referred to. Its solution could only be obtained after the contract with the Government had been granted, and after Americans had been colonized thereunder.

I do not very well see how the Mexican Government could object to enter into such a contract with an American, in view of the contracts which it has made for obtaining a large immigration from other countries, for Mexico would, I should suppose, be slow to shut her doors in the face of Americans after having opened them so wide, and at such cost to herself, to other nationalities. Even should the application from any cause be refused (and I have no reason for saying that it would be), immigration of peaceful Americans into the country could not be legally denied. The refusal on the part of the Mexican Government to make a contract for American immigrants would only affect any subsidy which might be asked to assist in the colonization, for the laws of the country not only authorize but invite immigration, without respect to the nationality of the immigrants. By the laws as they now exist foreigners are permitted to purchase lands anywhere within the limits

of the Republic, except, in so far as Americans are concerned, they be situated twenty leagues from the boundary thereof.

I do not see, therefore, what could prevent a citizen of the United States from purchasing a tract of land in the country within the limits prescribed by law and colonizing it with Americans, if he sees fit and has the means to do so. Nor do I doubt that in such a case if the settlers were attempted to be interfered with unlawfully the Mexican Government would attempt, at least, to protect them in their rights. It will not, however, have escaped your observation as regards the acts of the Government that, with two or three exceptions, the contracts I have referred you to stipulate that the colonists from abroad are to come from countries other than the United States; and as regards the views of the people upon the subject, it would not be at all surprising if they should prefer, for a time at least, to have immigrants come among them who are more akin to them in race than Americans are, and who, as a general rule, are of the same religious faith as themselves.

It is quite impossible for me to state what steps have been taken by the parties in interest to carry out the greater number of the contracts to which I have referred you; still less can I venture an opinion as to what they will result in; neither can I express any opinion as to whether the Government is, or will be, in a condition to comply with the obligations it has assumed towards the contractors in case they should in good faith comply with what they have undertaken to do. This is a matter which, I suppose, the contractors have satisfied themselves about. Neither can I say what will be the result of the immigration to the immigrants. This (I think you will agree with me) is the most important question involved in the whole subject. If they should arrive here and find that the Government could not comply with its engagements to the contractors, or the contractors were unwilling to comply with their engagements to them, they would be in a strange country, without means and without friends.

The nearest approach to a practical solution of the present attempt on the part of the Government and contractors to colonize portions of the country with foreigners is to be found in the Fulcheri contracts, to which I have referred you. These immigrants have been landed in the country; but with what success remains to be seen. I have heard, and from what I consider the best authority, that one colony was entirely broken up by death and desertion, the mortality among them having been very great.

As I have had occasion to state before, when they arrived in the country the Government was obliged to—or at any rate it did—purchase lands upon which to locate them. One colony was established in the low country. Some were sent near San Luis Potosi; others were colonized near Puebla. Some are established near this city. Some statements are to the effect that they are now contented and prosperous. Others, on the other hand, affirm that they are in a miserable condition. From the fact that I have seen the Italian minister's premises crowded with them, some seeking employment and others asking to be sent home, I should think that there had been a great deal of dissatisfaction among them. * * * In considering the subject, however, it must not be forgotten that the present experiment has not been fairly tried; that the parties who originated it were without experience therein; that the immigrants themselves are far from being of the best class, and but little attention was paid in their selection with reference to the employment to which they were to be put on their arrival in the country; that

they may have come with hopes held out to them which they could not have reasonably expected would be realized; that they are in a foreign land, a land different in almost every respect from the one whence they came, and that everything is new and strange to them. Such a condition of things would naturally engender disappointment and discouragement.

Is not this the usual experience of persons who immigrate in large bodies from their own country, lured to another by the hope of bettering their fortunes, and who listen perhaps with a too willing ear to the stories of apparently well-to-do speculators who have no interest in them beyond the sums which they are to receive for taking them to the country where they have contracted to take them, and whose interest in them ceases when they have received the price at which they contracted to deliver them?

It may not be out of place for me to remind you that several attempts have been made to effect American colonization in Mexico. If I remember aright one such was made some years ago in Lower California. The colonists had subsequently to be assisted back to the United States.

After the war of secession a number of prominent citizens of the South came here. They settled near Cordoba. Those of them who did not die returned home.

(5) *At what price can large grants of land be obtained suitable for colonization in the province of Sinaloa, Durango, or Chihuahua?*

There is little reliance to be placed upon theoretical answers to such questions, and I cannot answer them from my own observations, as I have never been in either of the States named, and, practically, I am far away from them—much farther than a person residing in New York is—nor do I believe that any one could give such an answer to them as would justify action thereon. I have been told that lands in that region can be purchased in large quantities at the rate of $1,000 for 1,000 square acres. But I do not pretend to say that my information is correct. I would not act upon it myself.

Sinaloa is said to be traversed by a number of rivers and innumerable brooks. There are some good streams in Durango, and Chihuahua is considered one of the best-watered States in the federation. These States are said to be fertile and rich in minerals. It must be borne in mind, however, that title to a tract of land does not confer absolute title to what is under the surface thereof. Any person may denounce and become the owner of any mine, no matter upon whose property it may be. Neither must it be lost sight of that while a title to lands may be easily procured, it is not always easy to procure possession thereof, for the purchaser might find them peopled with "squatters," whom it would be difficult for him to dispossess. I understand that such difficulties have presented themselves.

Under any circumstances, I should consider it the height of imprudence in any person to embark in any enterprise of colonization in this or any other country until he had visited it and seen it for himself.

(6) *Of the high plains and elevated plateau, what part is best watered and most fertile, and what diseases are most prevalent?*

This question, as you will observe, extends from Guatemala on the south to the Rio Bravo on the north, and is one which can only be answered by one who has traversed the country, and this I have never been able to do, as my official duties have kept me almost constantly at my post of duty. Only once have I been ten days away from the capital, and those ten days I spent at Orizaba, where I went at the advice of my physician.

I have, however, been as far north as Lagos, on the line of the Central Railroad. All the valleys between these two points, and they are many and of considerable extent, appeared to me naturally fertile and susceptible of successful cultivation, and no country which I have ever seen appeared better adapted to the use of improved agricultural implements and labor-saving machines. I have also been to Loluca. The same remarks apply to that section of the country. It all, however, seemed to require to be irrigated. But I must say that I am not an authority upon subjects of agriculture. What diseases prevail I do not know, but I believe it to be exempt from epidemics.

I have not complied with the instructions contained in your dispatch of giving you "a succinct account of American immigration to Mexico." I fear you will think that I have written you a volume where a few lines would have sufficed. But I have considered that it would not be uninteresting to you to be informed as to what is being done by the Mexican Government in respect of the question of immigration hither, and to make some suggestions which it may be well for our fellow-countrymen who are looking this way to consider before they embark upon such an enterprise.

I am, &c.,

P. H. MORGAN.

No. 394.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 611.] LEGATION OF THE UNITED STATES,
Mexico, May 6, 1883. (Received May 25.)

SIR: * * * I now inclose a copy and translation of Señor José Fernandez's (in charge of the department for foreign affairs) note of the 3d instant, which I received yesterday, as well as a copy and translation of what purports to be a copy of the record asked for. * * * Also a copy and translation of a document signed by Captain Caleb.

You will have observed that the record forwarded by Señor Fernandez does not furnish any information relative to the findings of the court in the proceedings instituted against Captain Caleb. This is explained by Consul Viosca; the proceedings were separate, and the record refers only to the case against the two vessels.

You will also observe that whereas the judgment against the Inteligente condemns both vessel and cargo, the judgment against the Adriana condemns only the vessel. I have called Consul Viosca's attention to this, and have suggested to him that the counsel for the owners of the vessel and cargo should consider the matter.

You will also have observed that, according to the judgment, when the Adriana arrived at La Paz, her hatches and bulkheads were all calked and sealed.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 611.—Translation.]

Señor Fernandez to Mr. Morgan.

DEPARTMENT FOR FOREIGN RELATIONS,
Mexico, May 3, 1883.

Mr. MINISTER: Referring to your excellency's note of the 24th April last, I have the honor to transmit herewith a copy of a judgment pronounced by the district judge of Lower California in the proceedings against the American schooner Adriana.

I renew, &c.,

JOSÉ FERNANDEZ.

[Inclosure 2 in No. 611.—Translation.]

Copy of the record in the judgment against the Adriana and Inteligente.

DEPARTMENT OF STATE FOR THE TREASURY AND
PUBLIC CREDIT, MEXICO, SECTION 1ST,

Maritime custom-house at La Paz, district court of Lower California, La Paz.

In the proceedings instituted by the maritime custom-house of this port and prosecuted by district attorney against the owners of the American schooner Adriana, the following decree has been pronounced:

LA PAZ, *April* 4, 1883.

Considering the proceedings instituted in the case, originating by the seizure of the maritime coast-guard of the bay of Los Frailes of various effects of foreign origin, which, according to the captors thereof, were freighted on the American schooner Adriana, and transferred at that point to the Mexican vessel Inteligente, for the purpose of their being smuggled into the country; considering the demand presented by the district attorney against the captain of the vessel, J. Caleb, who was defended by Carlos F. Galan (lawyer), and who also represented the owners of said vessel; considering the evidence produced by the parties and the allegations, the information given by the maritime custom-house, the steps taken to establish them, and all the proceedings in the case:

Considering, first, that it is abundantly established and without any contradiction whatever that the officers of the coast-guard seized the Inteligente freighted with the goods which gave rise to this proceeding; considering, second, that at the point at which this seizure was made the American schooner Adriana was lying at anchor; considering, thirdly, that there was no other vessel of any other size at that point: considering, fourthly, that the captain confessed to Officer Ysais that he had transferred the said effects from the vessel which was under his command to the Mexican vessel, the Inteligente; considering, fifthly, that the said captain produced a letter written in English, which contained the declaration that two gentlemen came to him with a letter from La Paz signed by Pablo Hidalgo & & Co., instructing him to give to them two boxes; considering, sixthly, that it appears by the manifest that the schooner "Adriana" was consigned to the house of Pablo Hidalgo & Co.; considering, seventhly, that from the proofs adduced by the Government it results that the declaration of the captain above mentioned, although he would not acknowledge them afterwards, is corroborated as well by the acts above specified as by the testimony of Falcon and Nelson, competent witnesses and above suspicion; and also by the marks on the boxes, which marks are P. H. C. or P. H. & C., it not being possible that said initials should represent any other house. there being none in this port with which they could be confounded; considering, eighthly, that it has also been established that the mark used by Pablo Hidalgo & Co. is the same as those found on the goods seized; that J. L. E. Kuscht, who brought one of the cases, belongs to a Paris house having relations with Pablo Hidalgo & Co., that Padilla who is the consignee of the greater portion of the goods which were on the Adriana is a clerk of the house of Pablo Hidalgo & Co.; considering ninthly, that the evidence adduced by the defendants is not to be considered: (1) because the declarations of the crew of the Adriana are those of persons interested in defeating this action, accused as they are of complicity with the captain and being in the pay of the owners of the vessel, their testimony is not to be taken, according to Juan Valpino in his discussion of the fifty-fith question, and of Dr. C. J. A. Mettermaier in his work on Evidence, chap. 42, p. 335; (2) because of the sailors who declared it was impossible for a coasting boat to come along side of the Adriana, which is disproved by the confession of lawyer Galan, who affirmed that that vessel had supplied fishing boats with supplies, and that consequently these boats were able to go alongside of the larger vessel; and (3) because, although the hatchways and bulkheads of

the schooner Adriana, when she arrived at this port, were closed and calked, the most that this would prove would be that the contraband goods were not carried in the hold of the vessel, but they might have been in the cabin or on deck, which neither the number nor size thereof made impossible; considering, tenthly, that the objections made to the testimony of the Government by Lawyer Galan, and his request for further proof should not prevail, because these proofs are not testimonial, but certified copies of documents, which copies could have been, and were, compared by the defendants; considering, lastly, that the owners of the Mexican vessel, Inteligente, which, with its cargo and arms, were seized, have not presented themselves.

For these reasons, and in conformity with the provisions of section I, article 86, and section I, article 87, of the tariff laws in force, the undersigned judge decides as follows:

First, that the American schooner Adriana is declared to be confiscated to the Government; second, the same decree of confiscation is pronounced against the Mexican vessel Inteligente, and the effects seized thereon; third, the arms seized are retained to be delivered to the owners thereof, should they present themselves, as they were not used in resisting the captors; fourth, the defendants to pay the costs; fifth, the parties in interest and the maritime custom-house to be notified hereof, and a copy of the same to be transmitted to the Departments of Justice and Hacienda according to law.

Thus decided and signed by the federal judge of the territory of Lower California, and in the presence of the secretary, who certifies to the same.

M. GARFIES.

Certified to.

LOUIS G. CABALLERO,
Secretary.

DEPARTMENT OF HACIENDA, SECTION 1, *April* 26, 1883.

[Inclosure 3 in No. 611.—Translation.]

The declaration signed by Captain Caleb.

(Page 86 of the procès-verbal.)

George Caleb, captain of the schooner Adriana, fifty-five years of age, married, born in the State of Massachusetts, to the questions put to him by Don Francisco G. Grinda, collector of customs at La Paz, on the 2d January, 1883, he replied that on account of bad weather he anchored near Cape Palmo, 3 or 4 miles, on the 16th or 17th of last December. On the following day a boat came along side the schooner Adriana, in which boat there were four men. Two gentlemen came to me with a letter sent from the house of Pablo Hidalgo & Co., ordering me to deliver two boxes. The letter contained the innstructions that I was not to enter the port of La Paz, under any consideration with the boxes on board. That I did not offer money to the (customs) official, but two men who were aboard offered the official $800; that I treated the official with politeness, and that the official treated me in the same manner. When the official came on board he shook hands with me, came to the cabin and took a drink with me, and remained with me three or four days. That the above is the truth.

GEO. CALEB.

Sr. VIOSCA, *American Consul, La Paz:*

DEAR SIR: I have received a note from the collector of customs, saying that I was detained a prisoner and maltreated by them. I deny the charge.

GEO. CALEB.

Certified to.

F. R. MAYLORENA.

No. 395.

Mr. Morgan to Mr. Frelinghuysen.

No. 612.] LEGATION OF THE UNITED STATES,
Mexico, May 8, 1883. (Received May 25.)

SIR: I now inclose a copy of a dispatch from Consul Viosca (No. 7, 17th April, 1883), and a copy and translation of the document therein referred to, which appears to be a copy of the judgment pronounced in

the criminal proceedings instituted against Captain George Caleb and the crew of the Adriana charged with smuggling.

Captain Caleb has been sentenced to five years imprisonment, and the crew have been declared not responsible. Their release has been ordered; but only, as you will observe, upon their furnishing bond to await the decision of the superior court to which the case goes, by law, on appeal.

The document sent is not a transcript of the record, and therefore it is quite impossible, if it would be proper, for me to express any opinion as to the legality of the proceedings. Their harshness, however, appears to me too patent to require comment, and that the penalty inflicted upon Captain Caleb, admitting that the judgment was right (upon which point I express no opinion) is, I think it must be admitted, outrageously rigorous not to say inhuman. For, after all, what was the man convicted of according to the judgment? Of having transferred from his vessel to another vessel three parcels without its being ever stated in the judgment that he had transferred them with the view of their being smuggled into the country. Besides, the contents of the packages are not stated. The articles they contained may not have been dutiable. Be this as it may, they could have been but of small value, as they were conveyed, if conveyed at all, upon the deck, or in the cabin of the vessel, for, as you will see by the judgment in the case against the ship (inclosure 1 in my No. 611), when she arrived at La Paz her hatches and bulkheads were intact.

In point of fact a sentence to five years' imprisonment is, in the condition of health in which Captain Caleb finds himself (according to the statement of Consul Viosca), to condemn him to death by torture.

I have therefore again requested Consul Viosca to furnish a complete transcript of the record, as well to the Department of State as to this legation.

As the matter is of great importance, not only to Captain Caleb but to all American shipmasters, and as the case is an appeal, I take the liberty of suggesting whether it would not be possible and well to have the question of the legality of these proceedings brought up for decision by the federal supreme court. This could, I think, be done by applying for an "amparo" from that tribunal.

I do not doubt that when you read the judgment inclosed herein your attention will be challenged by the fact that while the American citizen has been severely punished, no attention whatever has, as is admitted by the judge, been paid to the captain and crew of the Inteligente or to the members of the house of Pablo Hidalgo & Co., the latter of whom sent the Inteligente to meet the Adriana for the purpose of doing the smuggling, and the former having been the parties who were smuggling (if there were any smuggling in the case). As an excuse for this, the judge says that their capture had not been effected. As regards Hidalgo & Co., as they reside at La Paz, it is to be supposed that they could easily have been arrested. As regards the captain and crew of the Inteligente they were on that vessel when she was seized.

I am, &c., P. H. MORGAN.

[Inclosure 1 in No. 612.]

Consul Viosca to Mr. Morgan.

UNITED STATES CONSULATE,
La Paz, April 17, 1883.

SIR: As stated in my dispatch of April 12, 1883, the district judge has rendered sentence on the trial against Captain Caleb, mate, and crew of the Adriana, the 16th of the present month. Captain Caleb, being declared guilty, has been condemned by the

court to five years' imprisonment. The mate and crew, not found guilty, have been acquitted and released from prison.

I have the honor to inclose copy of the sentence pronounced by the judge, containing the abstract of proceedings and his preliminary considerations wherein he exhibits the motives for his decision. The said decision has been appealed to the circuit court by the counselor for Captain Caleb, and I will wait the result of the said appeal to inform the legation of the same. In the mean time Captain Caleb is so exceedingly ill that I have doubts of his surviving the above sentence for any great length of time.

Please notice also the contradiction set in by the district judge, between the two written sentences, the civil and criminal. In the first named, the crew's testimony is not lawfully accepted, because they are considered parties to the case; and on the criminal sentence the said crew are declared innocent by the said judge from the first to last of the charges brought against them; therefore their testimony was good and lawful, according to the last decision, from the beginning of the proceedings.

I am, &c.,

JAS. VIOSCA,
Consul.

[Inclosure 2 in No. 612.—Translation.]

Criminal proceedings against Captain Caleb and crew.

In the criminal proceedings instituted against George Caleb and the crew of the schooner Adriana, the following sentence has been pronounced:

LA PAZ, *April* 16, 1883.

Considering the proceedings instituted against George Caleb, a citizen of the United States, captain of the schooner Adriana, and against the crew of said vessel, viz, William Richner, Fritz Brunckhorst, Matthew Sullivan, and Benjamin Mollin, the first of whom (Caleb) is charged with smuggling, and the others as his accomplices therein; considering, first, that the summary proceedings resulted in establishing the offense, and the seizure of the Inteligente with the goods found on board of her; that by the confession of Caleb made before the administrator of the custom-house and the witnesses who subscribed to it, as well as by the testimony of Franco and Nelson, which established Caleb's guilt; third, that although Captain Caleb does not stand by the statement made in his first deposition, the circumstance that no other vessel was in the bay of Los Frailes, the place of capture; an examination of the marks on the goods seized, together with an examination of the goods of the house to which Caleb said he was consigned; the declarations of employés of that house, Valdorinos and Gilbierto Padilla. Fourth, considering also that the bay of Los Frailes is not a point open to commerce and still less to foreign commerce. Fifth, considering that although it is certain that the crew referred to must have assisted in the reshipment of the contraband goods, they cannot be held responsible as accomplices in view of the rigor of naval discipline which converts them into the passive, innocent, and involuntary instruments in the execution of his orders. Sixth, considering in respect of the house of Pablo Hidalgo & Company, who were charged as participators in the crime which is now being passed upon, and the crew of the Inteligente, none of whom have been captured.

In conformity with articles 86, sec. 1, and 87, sec. 6, of the tariff laws of the 8th November, 1880, it is decreed: First, George Caleb is sentenced to five years' imprisonment, and his name is to be published in the papers; second, the five years to begin to run from the date of the final judgment of imprisonment; third, William Richner, Fritz Brunckhorst, M. Sullivan, and Benjamin Mellin are acquitted, and are released on bail to await the result of the decision of the case on appeal; fourth, that proceedings be taken against the house of Pablo Hidalgo & Co. and the crew of the Inteligente; fifth, this judgment is sent to the superior court for its revision.

Thus done in the territory of Lower California, &c.

M. GARFIAS.
L. G. CAVALLERO.

No. 396.

Mr. Morgan to Mr. Frelinghuysen.

No. 614.] LEGATION OF THE UNITED STATES,
Mexico, May 9, 1883. (Received May 25.)

SIR: I transmit herewith the treaty entered into between the Republics of Mexico and Guatemala on the 27th September, 1882, the ratifica-

tions of which were exchanged at this capital on the 1st May, 1883, as published officially in the *Siglo Diez y Nueve* of the 4th instant, together with a translation thereof.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 614.—Translation.]

TREATY BETWEEN MEXICO AND GUATEMALA.

Official.]

DEPARTMENT OF STATE FOR FOREIGN RELATIONS, SECTION OF AMERICA.

The President of the Republic has seen fit to address me as follows:

Manuel Gonzales, constitutional President of the United States of Mexico, to the inhabitants thereof:

Be it known, that at the city of Mexico on the twenty-seventh of September, in the year eighteen hundred and eighty-two, between plenipotentiaries duly authorized to that effect, a treaty was entered into between the United States of Mexico and the Republic of Guatemala, in the form and tenor as follows:

The Governments of Mexico and Guatemala, desiring to bring the difficulties existing between them to an amicable conclusion, have agreed to enter into a treaty which will accomplish so desirable an object, and to this end they have appointed their respective plenipotentiaries, viz, the President of the Republic of Mexico has appointed Don Ignacio Mariscal the Secretary of State for Foreign Relations; and the President of the Republic of Guatemala, Don Manual Herrera, jr., envoy extraordinary and minister plenipotentiary (from Guatemala) near the Government of Mexico, who, after having exhibited their respective powers, which were found to be in regular order, and having before them the preliminaries signed by the representatives of both nations in the city of New York, in the United States of America, on the 12th of August of the present year, have agreed upon the following articles:

ARTICLE I.

The Republic of Guatemala forever renounces the rights which she has considered she had to the territory of the State of Chiapas and its district of Soconusco, and, in consequence, that territory is to be considered as an integral part of the United States of Mexico.

ARTICLE II.

The Mexican Republic properly appreciates the conduct of Guatemala and acknowledges the motives that have prompted the foregoing renunciation are as worthy as they are honorable, and declares that in similar circumstances, would have pursued the same course.

Guatemala on her part, satisfied with this solemn acknowledgment and declaration, agrees not to demand an indemnity of any sort in consideration of the foregoing stipulation.

ARTICLE III.

The boundary between the two nations shall forever be as follows:

1. From a point in the sea three leagues distant from the upper mouth of the River Suchiate, and thence following the deepest channel thereof to the point at which it intersects the vertical plane which crosses at the highest point of the volcano of Tacana, and distant 25 miles from the most southern pillar of the gate of Talquian, so that that gate shall be on the territory of Guatemala.

2. The determinate line by the vertical plane defined above until it touches the River Suchiate at the point of its intersection with the vertical plane which passes the summit of Buena Vista and Ixbul.

3. The determinate line by the vertical plane which passes the summit of Buena Vista, determined by the astronomical observation taken by the Mexican scientific commission, and the summit of the Ixbul hill, from where it intersects the former to a point four kilometers beyond said hill.

4. The parallel of latitude which crosses the last-named point, and from thence eastward until it reaches the deepest point of the River Usumacinta, or the River Chixey in case said parallel does not cross the first named river.

5. The middle of the deepest channel of the Usumacinta, in the one case, or of the Chixey in place of the Usumacinta, continuing thence, on the other, from where the said parallel touches one or other of these rivers, to where it touches the deepest channel of Usumacinta, twenty-five kilometers to the south of Tenosique, in Tabasco, to be measured from the center of the plaza of that town.

6. The parallel of latitude referred to above, from its intersection with the deepest channel of the Usumacinta, until it intersects the meridian which passes at one-third of the distance between the centers of the Plazas of Tenosique and Sacluc, this distance being calculated from Tenosique.

7. This meridian from its intersection with the parallel above mentioned to the latitude of seventeen degrees and forty-nine minutes (17° 49′).

8. The parallel of seventeen degrees and forty-nine minutes (17° 49′) from its intersection with the anterior meridian indefinitely towards the east.

ARTICLE IV.

In order to trace the boundary lines upon maps to be made, and to erect upon the territory monuments which will show the limits of each Republic in conformity with the provisions of the foregoing articles, each of the two Governments shall appoint a scientific commission. Both commissions shall meet at Union Jurez, six months at the latest from the exchange of ratifications of this treaty, and proceed at once with the foregoing operations. They shall make surveys and maps of the same, and the result of their labors, agreed to by them, shall be considered as a portion of this treaty, and shall have the same effect as though they had been inserted therein. Their work shall be completed within two years, counting from the date of their meeting. If either of the commissions is not present at the expiration of six months, as above stipulated, the other, at the time specified, shall commence its work, and the work done by it shall have the same force and validity as though it had been the work of both. The two Governments will as soon as possible enter into an agreement which shall determine the details of the commissions and their work.

ARTICLE V.

The citizens of either of the two contracting parties, who, in virtue of the stipulations of this treaty, may be in the territory of the other, may remain therein for such period of time as may be convenient to them, preserving in said territory the properties which they may possess, or alienate them and transmit the price thereof whenever they like, without being subjected to any species of contribution, charge, or tax. Those who elect to remain in any of the territory ceded may retain their condition and rights of citizenship of the nation to which the territory formerly belonged, or acquire citizenship of the nation to which it is to belong in the future. But election of citizenship must be made of one or the other nation within the period of one year, counting from the date of the exchange of the ratifications of this treaty; and those who remain in said territories after the expiration of the year without having declared their intention of retaining their old nationality, shall be considered to be citizens of the other contracting party. Every species of property situate in the ceded territory shall be inviolably respected, and the actual owners thereof, their heirs and those who succeed them, may equally acquire said properties, enjoying, in respect to them, guarantees as ample as are enjoyed by citizens of the nation in which they are situated.

ARTICLE VI.

It being the object of both Governments in agreeing to the present treaty, not only to put an end to the difficulties which exist between them, but also to terminate and avoid those which have originated, or which may originate between neighboring populations of either country arising out of the uncertainty of the actual boundary lines, it is stipulated that within six months after the meeting of the scientific commissions mentioned in Article IV, a joint notice shall be sent by their respective Governments of the inhabitants, plantations, and farms which will certainly be located within the boundary line to be established in conformity with Article III. This notice received, each Government is authorized to immediately issue such orders as may be necessary to establish its authority to these points, which is to come within the territory of the respective nations.

ARTICLE VII.

The present treaty shall be ratified in conformity with the provisions of the political constitution of the respective Republics, and the exchange of ratifications shall be made at this capital at the shortest date possible.

In faith of which the present treaty is signed and sealed by the plenipotentiaries.
Made in duplicate at the city of Mexico, the twenty-seventh of September, eighteen hundred and eighty-two.

IGNACIO MARISCAL. [L. S.]
MANUEL HERRERA, JR. [L. S.]

That the preceding treaty was affirmed by the Senate of the United States of Mexico on the 17th day of October, 1882, and ratified by me on the 4th of January of the present year.

That it was equally approved by the legislative assembly of Guatemala on the 25th day of December, 1882, and was ratified by the President of Guatemala on the 29th day of the same month and year.

And that the ratifications of the foregoing treaty were exchanged on this day in the city of Mexico.

Wherefore, I order that you print, publish, and circulate it, and give to it its proper execution.

Palace of the National Government, Mexico, 1st of May, 1883.

MANUEL GONZALEZ.

To the Licenciate Ignacio Mariscal, secretary of state for foreign relations, and I communicate it to you that you may take notice thereof.

Liberty and Constitution, Mexico, 2d of May, 1883.

MARISCAL.

No. 397.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 625.] LEGATION OF THE UNITED STATES,
Mexico, May 23, 1883. (Received June 14.)

SIR: On the 15th March last, I applied to the department for foreign affairs for a certificate of matriculation in favor of William Lewis Zuber which would recognize him to be a citizen of the United States.

This application was made upon a passport issued to him from this legation on the 16th March, 1883. The passport was issued upon the faith of the affidavit of Mr. Zuber, and those of other citizens of the United States, and the statement of Consul Kelton.

* * * * * * *

The passport was issued with the view of obtaining a certificate of matriculation in favor of Mr. Zuber, and in compliance with the requirements of the law upon this subject.

Señor Mariscals calls my attention to the thirtieth article of the constitution, which provides, section 3, that foreigners who acquire real estate in the Republic, unless they declare their intention of retaining their nationality, become by that act Mexican citizens. He says that the records of his department show that on the 24th May, 1874, Mr. Zuber purchased a piece of urban property in Mazatlan without reserving his nationality, wherefore he is considered by the Mexican Government as a Mexican citizen, and a certificate of matriculation is refused.

I have written to Consul Kelton, through whom Mr. Zuber's application came, for information respecting the alleged purchase by Mr. Zuber of real estate in Mazatlan.

In the meanwhile I deem it proper to advise you of the application of the law cited by the secretary for foreign affairs, as I think, if the application is a correct one, there are not a few Americans in the country who have become citizens thereof without knowing it.

I am, &c.,

P. H. MORGAN.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, May 21, 1883.

Mr. MINISTER: In reply to your excellency's note of 15th March last, I have t honor to inform you that Article 30 of the constitution declares those to be Mexican

I. All those born within or without the territory of the Republic, whose fathe are Mexicans.

II. Foreigners who become naturalized in conformity with the laws of the feder tion.

III. Foreigners who acquire real estate in the Republic, or who have Mexican so when they have not expressed the determination to preserve their nationality; and it appears from the records of this department that Mr. William Lewis Zuber, the 12th of May, 1874, purchased an urban property situate in Mazaltan, without e pressing in proper season his intention to preserve his American nationality, th Government considers him to be a Mexican, and for this reason cannot issue to him certificate of matriculation as a citizen of the United States of America.

I return to your excellency Mr. Zuber's passport, and renew to you the assurance &c.

IGNO. MARISCAL.

No. 398.

Mr. Davis to Mr. Morgan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 25, 1883.

SIR: Eleven and twelve received. You may apply for "*amparo*," as suggested, and if necessary engage competent counsel, on reasonable terms, to defend captain and vessel in appellate proceedings.

DAVIS,
Acting Secretary.

No. 399.

Mr. Davis to Mr. Morgan.

No. 406.] DEPARTMENT OF STATE.

No. 400.

Mr. Davis to Mr. Morgan.

No. 408.] DEPARTMENT OF STATE,
Washington, May 28, 1883.

SIR: Your dispatches numbered 611 and 612, of the 6th and 8th instant, respectively, in relation to the case of the Adriana, have been received. While sharing your view that the sentence of confiscation decreed against the vessel, and of five years' imprisonment in the case of the captain, is harsh in the extreme, the Department is unprepared to point out the course to be taken in further remonstrance without possessing the full record of the proceedings. This, it seems, you have instructed Consul Viosca to procure and forward to you and to the Department as well.

The case is deemed by the President to be one calling for the fullest investigation and the putting forth of every exertion on the part of the officers of this Government to make sure that the judgment is just and equitable. To this end he has directed that a competent officer proceed to La Paz and investigate the case on the spot. Mr. Horatio N. Beach, late consul at Puerto Cabello, and now appointed to Guayaquil, has been designated for the mission, and will leave for La Paz by the first steamer. Copies of the pertinent papers have been given to Mr. Beach. His instructions authorize him, in case it shall appear advisable so to do, to proceed to the city of Mexico and confer with you.

The precise effect of applying for an "*amparo*," as you suggest, in view of the proceedings in revision or on appeal, is not fully understood here. If, however, it should appear conducive to the full defense of Captain Caleb and the establishment of justice in his case, you are authorized to employ it, or any other legal remedy which may be open in his behalf, and, if necessary, the expense of taking such a step may be charged to the Department.

You may even, if you deem it necessary, employ a competent legal adviser to protect the interests of the captain and vessel before the superier courts, being careful, however, to limit the expense within as reasonable bounds as possible.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 401.

Mr. Morgan to Mr. Frelinghuysen.

No. 627.] LEGATION OF THE UNITED STATES,
Mexico, May 28, 1883. (Received June 14.)

SIR: Calling your attention to my dispatch No. 625, May 23, 1883, in which I informed you that the foreign office had refused to grant a certificate of matriculation to Mr. Zuber upon a passport issued to him from this legation, upon the ground that Mr. Zuber had purchased real estate in Mexico without having declared his intention of conserving his foreign nationality, and had, by the act of purchase, become a citizen of Mexico, I inclose herewith a copy of a circular which I have considered it proper to address to our consular officers in Mexico, advising them to

make the decision of Señor Mariscal known, as far as possible, to our fellow citizens in Mexico who contemplate purchasing real estate therein. I have also caused the circular to be published in the Two Republics of the 27th instant.

It is important that citizens of the United States in Mexico should be made aware of this law. It is true, perhaps, that they are presumed to know it, but few of them who reside here are familiar with the provisions of the federal constitution of Mexico, and an ignorance of the article relating to this matter might bring them into trouble. For instance, a matriculated citizen of the United States purchasing real estate here becomes, according to the interpretation put upon it by Señor Mariscal, a citizen of Mexico, and would thus, if forced into the military service of the country, be debarred from the right of claiming the protection of the United States.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 627.]

Circular addressed to the consular officers of the United States in Mexico.

LEGATION OF THE UNITED STATES,
Mexico, May 24, 1883.

SIR: I have to request that you will, as far as possible, inform citizens of the United States who propose to purchase real estate within the Republic of Mexico that unless they delare it to be their intention to conserve their nationality as citizens of the United States, they become, under Article XXX, Section III, of the federal constitution, in the opinion of the Government of Mexico, citizens of Mexico, and that to such persons no "*carta de matricula*," acknowledging their foreign nationality, will be issued from the department for foreign affairs. To avoid all question, the reservation of citizenship should, in my opinion, be made in the act of purchase.

I am, &c.

P. H. MORGAN.

No. 402.

Mr. Morgan to Mr. Frelinghuysen.

No. 629.] LEGATION OF THE UNITED STATES,
Mexico, May 28, 1883. (Received June 14.)

SIR: Referring you to my telegram of the 25th instant, and to the report thereof contained in my dispatch No. 626, of the same date, it is proper I should explain the circumstance under which the telegram was sent.

In an interview which Señor Mariscal had requested of me for that day, he asked me whether I had received any instructions from you with reference to a continuing of and amendments to the agreement entered into by yourself and Señor Romero on the 29th July last, which provided for the reciprocal crossing of United States and Mexican troops when in pursuit of hostile Indians. I replied that I had not. He then went on to say that some correspondence had taken place between himself, Señor Romero, and yourself upon the subject, in which correspondence he had instructed Señor Romero to say that negotiations for continuing or amending the agreement should be conducted between himself and this legation. He informed me that Señor Romero had not communicated to you this portion of his instructions, and that he had repeated

them to the gentlemen now in charge of the Mexican legation in Washington. He said that the President was willing to extend the time of the agreement, and to consider any propositions of changes therein, but that nothing could be done by him without the authorization of Congress, and that body would not be in session later than the 15th June next. He added that if the two Governments could come to an understanding upon the matter, the President would urge upon Congress the propriety of giving the consideration of the subject a preference, so that he would be enabled to act. But he said he would insist upon it that the negotiations should be conducted here; and this he wished me to inform you of by telegraph. This I declined to do, saying to him that you were, from his statement to me, informed of the views of his Government, and that if you had not instructed me upon the subject it was for reasons satisfactory to yourself. One entirely satisfactory reason, as it seemed to me, was that the original agreement having been entered into at Washington, any subsequent agreement should, upon the same subject, be made there.

Considering the importance of the question, however, I felt myself justified in informing you that my attention had been called to it, and to the fact that if you desire to do anything in the matter the time in which action could be taken was limited; hence my telegram.

I am, &c.,

P. H. MORGAN.

No. 403.

Mr. Morgan to Mr. Frelinghuysen.

No. 634.] LEGATION OF THE UNITED STATES,
Mexico, May 30, 1883. (Received June 13.)

SIR: I telegraphed you to-day as follows: "Consul at Mazatlan telegraphs that Captain Caleb is provided with competent counsel in appellate court."

I am, &c.,

P. H. MORGAN.

No. 404.

Mr. Morgan to Mr. Frelinghuysen.

No. 635.] LEGATION OF THE UNITED STATES,
Mexico, May 30, 1883. (Received June 13.)

SIR: Department dispatch No. 167, August 31, 1881, transmitted to me a copy of a letter of the 20th of that month, addressed to the Secretary of the Interior by General John C. Fremont, then governor of Arizona Territory, in relation to Indian troubles in that Territory, and in the States of Sonora and Chihuahua, in the Republic of Mexico. In this letter General Frémont suggested that, with the view of settling these troubles, some arrangement might be made between the Governments of the United States and Mexico "to use the peninsula of Lower California as a place into which to gather the whole of the Apache tribes."

The Department desired that I should bring the subject, as presented in General Fremont's communication, to the attention of the Mexican

Government, upon some occasion which I should deem suitable—not as a formal proposition, but as an expression of opinion and practical suggestion from a man whose history, position, and character eminently qualified him to justly estimate the grave difficulties that surround the problem of the border Indians.

I have had no conversation whatever with Señor Mariscal upon the subject of the Indians in the district of country alluded to, since the receipt of the dispatch above mentioned, until the 25th instant, in which, after calling my attention to the fact that the treaty of the 29th July, 1882, would expire on the 18th August next (see my dispatch No. 629, 28th instant), he mentioned that it was reported that General Crook had crossed the Rio Grande, not when in pursuit of hostile Indians, but in execution of a campaign which had been planned against the Indians, and which General Crook had stated would require several months; and he expressed the fear that such an act would bring on unnecessary complications. I thereupon called Señor Mariscal's attention to the troubles which these Indians were constantly giving to both Mexico and the United States, and I said that so long as they were permitted to roam at large the troubles would continue. I then referred him to the peculiar geographical position of Lower California, its sparse population, &c., and I possessed him of the suggestions of General Fremont, although I did not refer to Mexican Indians being sent there, but only Americans. He seemed, I thought, rather favorably inclined to the suggestion. On yesterday I saw him again, when I stated to him precisely what General Fremont's suggestion was. He said he was to leave the department for foreign affairs that day, but that he should have to consult with the President, before he left on his mission to England, upon the matter of General Crook's campaign, and that he would then mention the subject to him.

If it is your wish that I should proceed any further in the matter, please instruct me.

I am, &c.,

P. H. MORGAN.

No. 405.

Mr. Morgan to Mr. Frelinghuysen.

No. 638.] LEGATION OF THE UNITED STATES,
Mexico, June 4, 1883. (Received June 21.)

SIR: On the receipt of your telegram of the 25th of May last, informing me that I might cause "*amparo*" proceedings to be instituted for the protection of Captain Caleb, of the Adriana, and employ proper counsel for his defense, and that of the vessel, in the appellate court, I called on Señor Romero Rubio and submitted the question to him.

On the 2d instant Señor Rubio, in a note of that date, informed me that in his opinion, the case must be prosecuted at Culiacan, before the circuit court.

Señor Rubio kindly offered to recommend to me some friends of his in Culiacan should the case go there on appeal, but as I have been informed that Captain Caleb was already provided with competent counsel (see my dispatch No. 634, May 30, 1883), I have not considered it necessary to accept of his kind offer.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 638.—Translation.]

Señor Romero Rubio to Mr. Morgan.

JUNE 2, 1883.

MY DEAR FRIEND: We can do nothing in this capital in the affair of the Adriana, because, according to Mexican legislation, it is necessary in the second instance to bring the affair before the circuit court. The circuit court before whom this affair should be brought is now at Culiacan. It is therefore at that place where the appeal should be taken, both in the civil and criminal proceeding, in the event that an appeal is taken.

Should this be the case, I have friends in Culiacan whom I can especially recommend if you think it necessary.

I remain, &c,

M. ROMERO RUBIO.

No. 406.

Mr. Frelinghuysen to Mr. Morgan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 5, 1883.

If agreeable to Mexican Government, will be glad to extend agreement of July 29 to term first fixed, or one year from August 18 next. You are authorized to conclude agreement on either basis.

FRELINGHUYSEN.

No. 407.

Mr. Morgan to Mr. Frelinghuysen.

No. 642.] LEGATION OF THE UNITED STATES,
Mexico, June 13, 1883. (Received June 29.)

SIR: I have received your dispatch No. 408, 28th May, 1883. Since my dispatches Nos. 634, 30th May last, and 638, 4th June, I have received a dispatch from Consul Kelton, No. 21, 30th May, 1883, informing me that the judge before whom Captain Caleb would ordinarily be tried has been "recused" (*recusado*), under the advice of Caleb's counsel, and that the court will be presided over by one of the *suplentes*, but which one of them he was not able when he wrote to inform me.

Amparo in Mexican law is a generic term for injunction, prohibition, *habeas corpus*, and other conservative writs. It issues as a protection against the illegal proceedings of judges, courts, and officials. As the proceedings against Captain Caleb are in the federal courts, and as these proceedings, as they appear to me from the reports I have had of the case from our consul at La Paz, as well as from the judgment of the court of first instance, have been contrary to the laws of the country and in violation of Captain Caleb's rights, it occurred to me that if the supreme court could be placed in possession of the case he would be more likely to obtain justice. Also, I consider that it would be of service to citizens of the United States trading with Mexico if the officials of the Government could be informed by an authoritative decree of the court of highest resort that proceedings such as had been instituted

against Captain Caleb were illegal and could not be successfully carried out. Hence my suggestion that an effort be made in that direction.

You will have seen by my dispatch No. 638, 4th instant, that Señor Rubio, to whom I submitted the question after the receipt of your telegram of the 25th May last, is of the opinion that, at the present stage of the proceedings at least, an *amparo* would not lie. I informed you by cable on the 30th ultimo (dispatch No. 634, 30th May, 1883), that Captain Caleb was provided with counsel. I therefore see nothing to be done until the case shall have been disposed of by the appellate court. As that court sits at Culiacan, State of Sinaloa, within Consul Kelton's consular jurisdiction, I have requested that officer to furnish you, as well as myself, with the result of the appeal, as soon as it is made known.

I am, &c.,

P. H. MORGAN.

No. 408.

Mr. Frelinghuysen to Mr. Morgan.

No. 419.] DEPARTMENT OF STATE,
Washington, June 16, 1883.

SIR: Your dispatch No. 635, of the 30th ultimo, in relation to General Frémont's proposed plan of locating certain tribes of American and Mexican Indians in Lower California, has been received.

The Department is not prepared to take up and advocate General Frémont's suggestion as a matter of international policy, but it would be much pleased to have the views of the Mexican Government thereon, in the hope that, through agreement of independent opinions, an eventual solution may be indicated for the Indian problem.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 409.

Mr. Morgan to Mr. Frelinghuysen.

No. 646.] LEGATION OF THE UNITED STATES,
Mexico, June 19, 1883. (Received July 5.)

SIR: The Mexican Congress adjourned yesterday. The important work done during the session was:

1. Making an appropriation for the expenses of a legation at London.
2. Authorizing a settlement of the public debt.
3. Authorizing the President to contract a loan of twenty millions of dollars.

I am, &c.,

P. H. MORGAN.

No. 410.

Mr. Morgan to Mr. Frelinghuysen.

No. 647.] LEGATION OF THE UNITED STATES,
Mexico, June 19, 1883. (Received July 5.)

SIR: I transmit herewith the law lately passed by the Mexican Congress authorizing a settlement of the national debt.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 647.—Translation.]

(Extract from Diario Oficial, June 18, 1883.)

DEPARTMENT OF STATE FOR HACIENDA AND PUBLIC CREDIT, MEXICO, SECTION 6.

The President of Mexico has sent me the following decree:

Manuel Gonzales, constitutional President of the United States of Mexico, to the inhabitants thereof:

Know ye that the Congress of the United States of Mexico has sent to me the following decree:

ARTICLE 1. The Executive is authorized to settle the national debt upon the following basis:

I. Establish the form, conditions, and place for the examination, recognition, liquidation, and conversion of the debt.

II. Consolidate the entire debt under new titles, which shall bear interest at the rate of 3 per cent. per annum.

III. No matter what may have been the origin of the debt, or the nationality of the holders thereof, the whole debt shall preserve its Mexican character, to which no international character can be given, nor can the payment of the interest thereon be exacted out of any special fund.

IV. Fix the term of the amortization, and make with the creditors the best terms which he can obtain from them in the interest of the Republic.

V. We cannot recognize, and for this reason are not to enter into the conversion, the debts which emanated from the Government which pretended to exist in Mexico from the 17th of December, 1857, to the 24th of December, 1860, and from the 1st June, 1863, to the 21st of June, 1867; neither can the claims which have heretofore been rejected be recognized.

VI. New bonds shall be issued by the general treasury of the nation for the consolidated debt, and shall exchange them for the old ones at their face value, and these last shall become null in virtue of the conversion.

VII. Are to be rehabilitated and to enter into the conversion those debts which have been deferred and those which have been prejudiced, if their origin was legitimate and the authenticity of their omission is established. Those who are prejudiced for having adhered to the Empire shall be rehabilitated with a reduction of 4 per cent. upon the value of their debt, equivalent to the reparation imposed upon them by the law of the 19th of November, 1867.

VIII. All reclamations pending in the departments or before the courts, when they shall have been admitted (*depurados*) and acknowledged in conformity with the laws, shall enter in the conversion for the amounts recognized to be due to the claimants.

IX. The balance of estimates due since the 30th of June, 1882, which are not comprehended in article 7 of the law of the 10th of October, 1870, will enter into the conversion after they shall have been liquidated in conformity with the laws, reserving to the Executive the right to establish an equitable basis upon which to terminate pending liquidations in cases which are not susceptible of a strictly legal determination in consequence of irregularity in the archives, the death of the parties responsible for the presentation of documents, the distribution of payments, and other circumstances of the same nature which prejudice, and without their fault, the rights of creditors.

X. The conversion of the debt shall be voluntary; consequently those creditors who do not agree to the terms which the Executive shall fix for the registry, examination, or liquidation of their debts preserve their actual rights to the capital, but the debt which they represent shall be deferred, and shall not bear interest after the expiration of the term fixed for the registry thereof, after which, the conversion having been made, the mode of their payment shall be determined.

ART. 2. Besides the benefit to be derived from the proposed amortization of bonds of the consolidated debt, these (the bonds) and their interest coupons shall be received at the federal treasury in payment of the following:

I. In payment of *terrenos baldios* belonging to the federation.

II. In payment of debts or nationalized estates (church property), without prejudice to the rights of those who have denounced them in specie.

III. Costs for patents of invention.

ART. 3. Such coupons of the consolidated debt as may remain unpaid at the end of any fiscal year shall be paid in the following year, and shall be received to the extent of 5 per cent. thereof in payment of the federal imposts therein levied.

ART. 4. This law does not apply to the debts in course of payment in virtue of the convention with the United States of the North on the 4th of July, 1868, nor to those due for subventions to railroads, which are to be paid in conformity with their respective contracts.

ART. 5. The Executive shall order, at the end of each fiscal year after the accounts of the general treasury have been adjusted, that certificates of indebtedness issue to creditors for salaries, pensions, or services, the term for whose payment has not been designated or fixed by law or by express contract.

ART. 6. In the annual estimates special consideration shall be given to the amortization of the certificates for balances due, and those which are not amortized within five years from the date of their emission shall from the sixth year bear interest at the rate of 3 per cent. per annum, and shall be upon the same footing with the consolidated bonds issued under the present law, for which they shall be exchanged.

J. M. VIGIL,
President of the Chamber of Deputies.
P. LANDAGAN,
President of the Senate.
EMETERIO DE LA GARZA,
Secretary of the Chamber of Deputies.
D. BALANDRANO,
Secretary of the Senate.

Wherefore I order it to be printed, published, circulated, and obeyed accordingly.

Thus done in the palace of the Executive power of the Union, in Mexico, the 14th June, 1883.

MANUEL GONZALEZ.

To the secretary of state for hacienda and public credit, Jesus Fuentes y Muñoz.

And I communicate it to you that it may have its effect.

JESUS FUENTES Y MUÑOZ.

Al

No. 411.

Mr. Frelinghuysen to Mr. Morgan.

No. 421.] DEPARTMENT OF STATE,
Washington, June 22, 1883.

SIR: I have to acknowledge the receipt of your No. 638, of the 4th instant, concerning the case of Captain Caleb, of the Adriana, and to say that the Department duly appreciates the courtesy of Señor Romero Rubio, whom you consulted with reference to certain proceedings respecting the same.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 412.

Mr. Davis to Mr. Morgan.

No.422 .] DEPARTMENT OF STATE,
Washington, June 23, 1883.

SIR: I transmit herewith for your information the inclosed copy of a letter from the War Department of the 13th instant, covering an un-

signed telegram, but which is understood to have been sent by Brig. Gen. George Crook, United States Army, and from which it will appear that in his recent and successful operations against the hostile Chiricahuas in Mexico, General Crook manifested a zealous observance of the spirit of the agreement between the United States and Mexico of July 29, 1882, which permits the crossing of the frontier by troops of either Government in pursuit of hostile Indians.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

Mr. Tweedale to Secretary of State.

WAR DEPARTMENT,
Washington City, June 13, 1883.

SIR: I have the honor to transmit herewith for your information a copy of a telegram, without signature, dated Silver Creek, Arizona, 12 miles north of boundary, June 11, 1883, but which is accepted as being from Brig. Gen. George Crook, United States Army, it having been repeated from his headquarters at Prescott, Department of Arizona. Said telegram relates to his operations against the hostile Chiricahuas since the 1st ultimo, and also sets forth that after his fight on the 15th ultimo the entire village of Chata was destroyed and everything captured, and that Laco and Nana and the families of other prominent chiefs are among the captives.

A copy of the inclosed telegram has to-day been furnished the honorable the Secretary of the Interior.

Very respectfully, your obedient servant,

JOHN TWEEDALE,
Chief Clerk (for the Secretary of War, in his absence).

[Telegram.]

SILVER CREEK, ARIZ.,
Twelve Miles north of Boundary, June 11, 1883.

ADJUTANT-GENERAL, UNITED STATES ARMY,
Washington, D. C.:

Left here May 1 with 193 Apache scouts under Crawford, Gatewood, and Mackay, with Chaffee's company of 42 men, of Sixth Cavalry, and rations for two months on pack mules. Followed the hostile Chiricahuas. The country was of indescribable roughness. A number of mules lost their footing, and, slipping from the trail, fell down precipices and were killed.

The stronghold of the Chiricahuas was in the very heart of the Sierra Madre, in a position finely watered, having a dense growth of timber and plenty of grass. They had been encamped for miles near the head of the Barispe, occupying the prominent elevated paths, offering a fine lookout for miles, rendering surprise almost impossible, and making retreat secure through the rough adjacent cañons. Captain Crawford, with Indian scouts, early on the morning of May 15, surprised the village of Chata, the chief who led the recent raid into Arizona and New Mexico. The fight lasted pretty much all day, the village being wiped out. The damage done cannot be estimated. A number of dead bodies were found, but the indescribable roughness of the country prevented count from being made. The entire camp, with stock and everything belonging to it, was captured. Learned from prisoners taken that the Chiricahuas were anxious for peace, and had already sent two messengers to try to reach San Carlos. On the 17th they began to surrender. They said that their people were much frightened by our sudden appearance in their fastness, and had scattered like quail. They asked me to remain until they could gather all the bands together, when they would go back to the reservation. By the terms of the treaty my operations were necessarily limited to the time of the fight. I told the Chiricahuas to gather up their women and children without delay. They answered that they could not get them to respond to signals, the fugitives fearing that they might be sent by our Apache scouts to entrap them. They assured me that every one of

the band would come in if I remained a short time. The terms of the treaty embarrassed me greatly, and being in the rough region, with rations rapidly disappearing there being between 300 and 400 Chiricahuas to feed, I was compelled to return with the Chiricahuas.

We found six Mexican captives—five women and one child—taken in Chihuahua early in May. They are now with the command. These women say they were captured near the Mexican Central Railroad, at a place called Carmen. They further state that when the Chiricahuas discovered that Apache scouts were in the country, they became greatly alarmed and abandoned on the trail the 300 head of cattle they were driving away from points in Western Chihuahua. These cattle were soon afterwards picked up and driven up by a body of Mexicans in pursuit. We marched back as rapidly as the condition of our stock and the strength of women and little children would permit. We found the country depopulated for a distance of 100 miles from the Apache stronghold. The Chiricahuas insist that they have always lived in the Sierra Madre, that even when the main body went on the reservation some remained behind in the mountains. Of those now with them are a number who state that they have never been on a reservation.

I have strong hopes of being able to clear the mountains of the last of them. There are now with us Loca and Nana, so often reported killed, and the families of other prominent chiefs.

We saw no Mexican troops, and after leaving the settlement in Northeast Sonora didn't see a Mexican other than the captives rescued.

[No signature.]

No. 413.

Mr. Morgan to Mr. Frelinghuysen.

No. 651. LEGATION OF THE UNITED STATES,
Mexico, June 29, 1883. (Received July 11.)

SIR: Your telegram of the 5th instant authorizing me to conclude an agreement with the Mexican Government by which the agreement entered into between the United States and Mexico on the 29th July, 1882, and which expires, by the terms of the protocol thereto, on the 18th of August next, should be extended one year from the date stated in the agreement as it was originally entered into, or one year from the 18th August next, was received by me in the evening of the same day.

The following morning I addressed a note to Señor Fernandez, in which I communicated to him the contents thereof. This note I delivered in person; Señor Fernandez said that he would immediately place the matter before the President. The next day he wrote me that he had complied with his promise, and that, under instructions from the President, he had made the application to the Senate which is necessary to authorize the agreement. This I acquainted you with, by cable, on the 7th instant.

On the 17th instant I received a note from Señor Fernandez, dated 15th, in which he informed me that the Senate had given the authorization to the President which had been asked. He stated that if I were authorized to make the agreement, he was ready to enter into it.

On the 19th of June I wrote to him (Fernandez) saying to him that I was authorized, and that I would meet him for the purpose on any day which would suit his convenience. He fixed Thursday, the 28th instant, and at 6 p. m. of that day I repaired to the department for foreign affairs, and there signed the agreement, which I inclose herewith.

I am, sir, &c.,

P. H. MORGAN.

[Inclosure in No. 651.]

MEXICO.—RECIPROCAL RIGHT TO PURSUE SAVAGE INDIANS ACROSS BOUNDARY LINE.

Agreement between the United States and Mexico for the prolongation of agreement signed at Washington July 29, 1882.

(Signed and exchanged at the city of Mexico June 29, 1883.)

Memorandum of an agreement entered into in behalf of their respective Governments, by Philip H. Morgan, envoy extraordinary and minister plenipotentiary of the United States of America, and José Fernandez, oficial mayor of the department for foreign affairs of Mexico, and in charge thereof, for the prolongation of the agreement entered into between their respective Governments by Frederick T. Frelinghuysen, Secretary of State of the United States of America, and Matias Romero, envoy extraordinary and minister plenipotentiary of the Republic of Mexico, at Washington, on the twenty-ninth July, eighteen hundred and eighty-two, and the protocol thereto attached, signed by the same parties in their aforesaid respective capacities, of the twenty-first September, eighteen hundred and eighty-two, which provides for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians.

ONLY ARTICLE. It is agreed that the agreement entered into between the United States of America, therein represented by Frederick T. Frelinghuysen, their Secretary of State, and the Mexican Republic, therein represented by Matias Romero, their envoy extraordinary and minister plenipotentiary, at Washington, on the twenty-ninth day of July, eighteen hundred and eighty-two, and the protocol thereto, signed by the same parties as above named and in their respective capacities as aforesaid, on the twenty-first day of September, eighteen hundred and eighty-two, which provides for the reciprocal crossing, in the unpopulated or desert parts of the international boundary line, by the regular federal troops of the respective Governments, in pursuit of savage hostile Indians, which said agreement, as well as the protocol thereto, expires on the eighteenth day of August, eighteen hundred and eighty-three, be and the same is hereby prorogued, in all of its parts, conditions, and stipulations, for one year from the eighteenth of August, eighteen hundred and eighty-three: That is to say, until the eighteenth day of August, eighteen hundred and eighty-four.

In faith of which we have interchangeably signed this memorandum, at the city of Mexico, this twenty-eighth day of June, eighteen hundred and eighty-three.

P. H. MORGAN. [SEAL.]
JOSÉ FERNANDEZ. [SEAL.]

No. 414.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 665.] LEGATION OF THE UNITED STATES,
Mexico, July 10, 1883. (Received July 26.)

SIR: In my dispatch No. 647, 19th June, 1883, I inclosed a copy and translation of the law of the Mexican Congress which authorizes the President to settle the national debt of the Republic.

The purpose of this law appears to be a settlement of the entire debt of the country, internal as well as external. To this end the Executive is authorized to establish the forms, conditions, and terms for the examination, recognition, and liquidation thereof, and to consolidate the same by issuing new bonds, which shall bear 3 per cent. interest per annum.

The debt once consolidated is to be considered as a Mexican debt, and has no international character. Neither is the interest thereon to be paid out of any special fund.

The debt due in England is, as you are aware, of two kinds, viz, that which is known as the London debt and that which is known as the con-

vention debt. This debt has been the subject of repeated agreements between the British and Mexican Governments, and its payment has been guaranteed by the pledge of a certain percentage of the customs dues, as well as public lands, and so sacred has it been considered by Mexico, that in 1862 a treaty was entered into upon the subject between Juarez, then President, and the British minister, which, while it reaffirmed the former conventions, stipulated in addition that if the officials failed to pay the duties which were pledged for the payment of interest the British Government should have the right to take possession of certain ports with military force and collect and appropriate the duties. This treaty was not ratified by England, owing to its recent engagements with Spain and France, but it was ratified by the Mexican Government.

This debt has been the great obstacle in the way of the resumption of diplomatic relations between the two countries, Mexico contending that the war of intervention, in which she claims that England took a part, destroyed all treaties between the two Governments, while England contested the position assumed, and she has, I believe, always declared that she would not renew relations except with the condition that provision should be made for carrying out the provisions of these treaties. It therefore results that if the holders of this debt accept the proposition which the law to which I have referred authorizes the President to make, the holders of the "convention bonds" will be upon the same footing with the other bondholders. In this sense they will have given up their right to look for protection from their Government in respect of the past; and as the action of their Government hitherto has been actuated by a desire to protect them, under treaty stipulations, if they make a new arrangement and change the character of their security, this obstacle to the renewal of relations will disappear.

While it is to be supposed that the law passed by the Mexican Congress was passed with a view of making arrangements for the future, it would seem that, in reality, it was passed for the purpose of ratifying arrangements which were already perfected. The law in question was published on the 18th of June, 1883. In an English paper, published in London, the Bullionist, of the 19th May, I find the record of the proceedings had by the English bondholders (London debt) in which an entire plan for the conversion of the debt seems to have been agreed upon. By this plan it would appear that the Mexican Government proposes to issue new bonds, bearing 3 per cent. interest to the amount of £20,000,000. Of this, £15,300,000 is to be applied to the conversion of the London debt. To some of the holders of this debt £112 in new bonds is to be issued for each £100 of old bonds. Others are to receive in different proportions. The balance, £4,700,000, is to be appropriated to the convention debt, to the settlement of the interior debt of the country, and to the payment of commissions to the parties who have made the negotiations, and of other expenses incidental thereto.

The law, as I have before stated, was passed in June last. The proposition for the settlement of the debt in England was made in May, anterior, therefore, to the passage of the law. It is understood that the proposition is now being discussed by the Mexican Government.

What practical advantage the arrangement proposed, if carried out, will be to the bondholders depends upon the ability and willingness of the Government to pay the interest and make regular amortization of the principal, for, at the outset, it is only new bonds which are issued for an old and larger debt. What the capacity of the Government will be to provide for these payments in the future it is impossible, of

course, for me, or any one, to say. * * * The default in the treasury for the current year amounts to many million dollars. The sources of revenue do not appear to be increasing. No provision has been made by the law for increasing the revenue in view of the increased demands which it is proposed to subject it to, and where the $3,000,000 additional, which the proposed new bonds will require, is to come from I have not been able to ascertain. I know it is published that the estimate for the expenses of the Government will be, in round numbers, about $25,000,000, while the receipts are estimated in round numbers at $30,000,000, showing a round sum to the good. But the fact, or rather the deficit, remains. At the same time it would appear that while Mexico is settling her debt she should settle all around, and this does not appear to be in her view at the present moment. The negotiations appear to have centered upon the debt due in Europe. There are many Mexican bonds, equal in validity with those held in England, in the hands of citizens of the United States. My predecessor, in his dispatch No. 802, October 8, 1878, called attention to some of these bonds. There are, I believe, others. At all events, the records of this legation show that in the year 1850 the then minister here, acting under instructions from the Department of State, presented the claim of a Mr. Musson for settlement. This claim was in the shape of bonds, amounting to £200,000, and, as it is to be presumed that all citizens of the United States who happen to be holders of Mexican bonds, and who, in point of justice and law, are as much entitled to be settled with as are the holders of them in other foreign countries, and as it is to be expected that the parties in interest whom I have named will desire to have their rights inquired into, I have considered it proper to call your attention to the subject.

The law has caused a good deal of discussion here. The third section thereof, as you are aware, declares that—

> Whatever may have been the origin of the debt, or the nationality of the holders thereof, the entire debt shall retain its Mexican character, to which no international character can be given; nor shall it be paid out of any special fund.

The Spanish minister here, acting under instructions from his Government, addressed a note on the 17th June to the Department for Foreign Affairs, in which he called attention to the clause in the law above quoted, claiming that the execution thereof clashed with the convention entered into between Spain and Mexico on the 12th of November, 1853, the fourteenth article of which provides that—

> The present convention cannot be altered under any circumstances, nor under any pretext whatever, without the express and formal consent of the two contracting parties.

Señor Crespo claims that this express declaration contained in an international agreement has not been invalidated since by any act in the form limited therein and that its annulment cannot be invoked by reason of any act or writing which would establish the acquiescence therein of the Spanish Government. He admits that President Juarez, on the re-establishing of the Republic in 1867, proclaimed that the treaties with European nations who had taken part in the war against the Republic were not to be considered as being any longer in existence; but he contends that this declaration cannot be admitted as an absolute principle of international law, nor does he think it just to confound it with those who waged the war and those who, before the commencement of hostilities, retired, thus giving (to Mexico) a moral support instead of making war upon the Mexican nation. He therefore protests against the application of the third section of the law referred to in respect of Spain, as it would be a violation of the 12th of November, 1853.

Señor Fernandez on the 26th of the same month replied that the declaration of President Juarez that the treaties between Mexico and those European nations which had made war upon her existed no longer, was adopted by Congress and sustained by four successive administrations, and had been acquiesced in, in fact, or expressly, by several European powers.

As to the law, he considers that war destroys treaties, especially those which were the cause thereof, and that a treaty once destroyed cannot be reintegrated except by another treaty. This principle, which he says is disputed in theory by several authors, has been repeatedly recognized and applied by Spain, who, now that it is invoked and sought to be applied by Mexico, appears to repudiate it.

In conclusion, he informs Señor Crespo that the President has instructed him to say, without intending the least bravado, but simply for the purpose to exactly define his position, and, in the interest of the two nations, to avoid the inconveniences of a doubtful position, that the Mexican Government maintains, and will maintain, that the convention of the 12th of November, 1853, no longer exists, and that he is determined to accept any situation, no matter what, rather than consent to put the Republic twenty years back, and thus place it in the same position which it occupied in 1861.

The newspapers discussed the correspondence at considerable length, but it was, at least, more theoretical than practical if it be true, as I have assumed it is, that very few of the bonds which gave rise to it are in Spanish hands. I am told they are almost all of them held here. They are largely used in negotiations with the Government. They are worth in the market about 25 cents on the dollar. When the Government borrows from a money-lender, say, $100,000, $25,000 thereof is paid on these bonds at par. In consideration whereof the lender makes a donation to the Government of one-half of the interest accrued thereon. At last it is optional with the holders, under the law, to accept the settlement and conversion to be proposed, or to retain them as they are. Be all this, however, as it may, the correspondence has, in so far as the public know, come to an end.

To assist him in carrying out the law, the President has appointed a commission (*junta consultiva*) to advise the department of hacienda as to the best methods of making the proposed arrangements with the public creditors, as you will see by the letter addressed by the Secretary to the commissioners appointed by the President, a translation of which I inclose.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 665.—Translation from the Monitor Republicano, of July 15, 1868.]

CONSULTING COMMITTEE.

The following persons have been appointed by the secretary of hacienda, a committee to propose a proper method for the settlement and conversion of the debt:

DEPARTMENT OF HACIENDA, SECTION SIXTH.

The President having been authorized by law of the 14th June last past, to settle and convert the national debt, considers that the public interests demand the immediate exercise of this authority, and at the same time, desiring the co-operation of competent persons to facilitate a solution of the difficulties of the question, suggesting intelligent methods to accomplish the settlement and conversion of the debt in strict conformity with the terms of the act of Congress.

Governed by these motives, the President of the Republic has determined to appoint a consulting committee (*junta consultiva*), charged with the duty of suggesting to this department such methods as they may consider effective to bring to a good end the operation of settling and converting the debt, as well as to advise upon such matters as may be presented to them upon the subject in hand.

The President has seen fit to appoint you a member of said committee (*junta*) in connection with Messieurs * * * believing that you will not decline to give your valuable co-operation in the work to which I have referred.

I have the honor to notify you of your appointment, informing you that the committee will elect from its own body its president, and that this department will appoint a secretary to said committee, of which you will be informed in due season.

Liberty in the constitution,
Mexico, July 12, 1883.

FUENTES Y MUÑOZ.

To Messrs. Manuel Dublan, Pedro Escudero y Echanove, Antonio Carvajal, Francisco Bulnes, Gumesindo Enriquez.

A true copy.

G. OLASTE,
Oficial Mayor.

No. 415.

Mr. Davis to Mr. Morgan.

No. 441.] DEPARTMENT OF STATE,
Washington, August 16, 1883.

SIR: The accompanying copy of a communication from Mr. Horatio N. Beach, dated at Mazatlan, July 19 last, will place in your possession the result of his investigation into the case and personal condition of Capt. George Caleb.

As will be noted, Mr. Beach expected a speedy decision from the court at Culiacan, and, if adverse, that the case would probably be appealed. In the event of any determination being reached, Mr. Galen, who seems to be zealous in his professional efforts for Captain Caleb, will report directly to the Department.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure in No. 441.—Extract.]

Report of Consul Beach on the case of Capt. George Caleb, imprisoned at La Paz, Mexico, under a charge of smuggling.

MAZATLAN, MEXICO, *July* 19, 1883.

Hon. JOHN DAVIS,
Assistant Secretary of State, Washington, D. C.:

SIR: In my dispatch from New York, May 31, 1883 (No. 1), I had the honor to acknowledge the receipt of my commission to proceed to La Paz, Mexico, to investigate the case of Capt. George Caleb, a citizen of the United States, under arrest, charged by the Mexican authorities with smuggling. Accompanying my commission were certain instructions. In pursuance of those instructions I left New York June 2, and proceeded as expeditiously as the facilities of travel would permit to La Paz. Through interruptions in the journey (one a delay of seventeen days at Mazatlan, waiting for a steamer to La Paz) I did not reach La Paz until Sunday, July 15. In order not to remain at La Paz for a month, I necessarily completed my work in two days, I having but two days besides Sunday before the steamer returned to Mazatlan. Since my return I have had but one day in which to make my report in time to go by first steamer to San Francisco. The testimony as sent was translated to me orally,

taken by me stenographically, written out in full at once, and submitted for certificate of accuracy. This is not said apologetically for any non-fulfillment of duty, but as an explanation why I have not had time to better systematize my report. I very satisfactorily obtained all the information called for.

In commencing my work at La Paz, I first called upon the governor and other persons to whom I bore letters, next upon Captain Caleb, then upon whoever I thought could furnish me requisite information. Accepting my instructions literally, and which accorded fully with my convictions as to the impartiality of the investigation, I assured all with whom I held intercourse upon the subject to be investigated that what the United States State Department wanted was an impartial statement of the facts. It gives me pleasure to say that all gave me most courteous treatment (even to proffering me hospitable entertainments), and I believe that no one will complain that I did not treat all impartially, equitably, and courteously—a quite difficult thing to do to satisfy a people having among themselves numerous difficulties and rivalries, much jealousy, and who are exceedingly sensitive.

[Translation.]

COPY OF TESTIMONY IN THE TRIAL OF CAPT. GEORGE CALEB ON A CHARGE OF SMUGGLING, ET AL., IN DISTRICT COURT AT LA PAZ.*

Francisco A. Gea, an officer of customs, affirmed and said: I am twenty-seven years of age; comandante of the post. On Sunday, the 25th of December past, I sailed from port by order of collector of customs to aid Isado Asais, who had gone to watch the schooner Adriana, news having been received of her sailing a good while from San Francisco. On the following day, between 10 and 11 a. m., found the schooner that had been captured by officers. Found on board the Intelligante several boxes, as it appears by the report given to the collector, which report was sent to this court.

FRANCISCO A. GEA.

Arida Arias, an officer of customs, affirmed and said: I am thirty-seven years old; a federal employé. December 23 at 10 o'clock p. m. left this port by order of collector to watch the Adriana and yacht Consuelo. Visited the latter and boats and found nothing. On the 27th, between 12 and 1 o'clock noon, came in sight of schooner Adriana, and saw at her side the boat Intelligente, where he could see from afar a large box.

The boat left side of schooner immediately and went toward one side of Las Frailio Bay. Boarded the boat and took therefrom two rifles, there being two persons in the boat, one Juan Sandoval, patron of the boat, a man eighteen years of age, and Pamfilo Ayela, who seemed to be an Indian, a Chinaman, or Manillian, whom I sent immediately on board of the plunger under the custody of her patron, Victor Pineda, and Ignacio Duran, whom I sent with two prisoners to the chief of the custom-house in San José, and to have him furnish me aid. In the meantime I boarded the schooner Adriana with the two sailors and captured goods under their care. On the shore were Napoleon Saven and Joaquin Zeduta, both of whom came to the schooner, who tried to bribe the deponent and the custom-house sailors, offering them money. Captain Caleb of the schooner told deponent that the cases and goods found by him in the Intelligente had been taken from the schooner Adriana, and had been delivered by order of Pablo Hidalgo, and by virtue of a letter that had been presented to him by Messrs. Savier and Zedatina, which he stated under his signature before the collector of the port on account of an explanation suggested by the collector, by reason of a claim made by the American consul, and in that statement, Mr. Caleb said that the statement of the consul was not correct in regard to the treatment that deponent had given to Mr. Caleb. As the plunger did not come from San Jose, and the captain stated that he could not remain at anchor where he was, because the wind changed, deponent agreed that he should sail hence. He transshipped his goods to the Intelligente, which was to be taken in tow by the Adriana; they made sail on the 30th of December at 4 p. m., and on January 1, between 10 and 11 a. m., they sighted the comandante, whom he presented to Captain Caleb of the schooner, and reporting what had taken place, leaving under his responsibility all that deponent had captured, noting that Victor Pideda with the plunger, and the aid sent by the San José section, overtook deponent at Los Tinas about noon.

ISIDO ISAIS.

Victor Pideda affirmed and stated that he was married, fifty years of age, patron of the custom-house plunger, a resident of this port. On the 23d of last December

*See statement of Lawyer Galan. [In the Mexican courts all evidence is taken by affirmation.]

sailed in plunger, taking with him Isido Asais and the following: Romprero Marguez, Gracio Rodreguez, and Ignacio Duran. On the 26th, they met the Consuelo and six fishing boats which were boarded by the officer without finding anything. On the 27th, about 1 p. m., they came in sight of the Adriana, and by her side was the boat Intelligente laden with cases and goods which they had taken from the schooner. As they sighted her they hoisted the flag on board the plunger and the schooner did not answer. We approached her immediately, and the boat Intelligente parted from her immediately and made for the shore, the schooner being anchored with two anchors about 40 yards from the beach in the Los Failes Bay. Then Mr. Asais boarded the boat and sent to the plunger the two men who were in the Intelligente, one Juan Sandoval, *alias* Elquisero, a man about eighteen or nineteen years of age, and Pomfilo Agula, sending deponent with them and Ignacio Duran in the plunger to San José section in quest of aid, which he brought, and not on his return finding the schooner Adriana he made sail and overtook her on Sunday, the 31st of said month, about noon, at Las Tinas.

VICTOR PENIDA.

Pomprero Maguez, having affirmed, said: On the 33d of December last he left here in the plunger, as sailor of the custom-house, with his patron and his companions (as before stated). On the 26th they met the Consualo. After the plunger departed they went on board of the Adriana with the goods as captured, and sailed for this port on the 30th, at 4 p. m., and were overtaken on the 31st, at noon, by Pineda, with aid party, reaching port January 1, between 10 and 11 a. m.

POMRORO MAGUEZ.

Francisco G. Grinda, collector of customs, affirmed, states that what Mr. Isais stated in his deposition is true, as appears from the statement to which said officer refers, presented to the judge in one leaf, written in English. He also states that the signatures of said statement are in the handwriting of said captain.

FRANCISCO G. GRINDA.

(See the statement.)

Theodoro Rodquez affirmed and made the same statement as Victor Pineda.

Also, Ignacio Duran.

George Caleb, by aid of two interpreters, affirmed, January 4, and said: Is captain of the schooner Adriana; that he has no idea of any boxes; that on the 26th of December he anchored at a place about four miles south of Cape Palma; that the place where he anchored had no name in the Mexican chart; that he remained at anchor until the 29th or 30th, when he sailed toward this port, after dinner; that while he was at anchor a boat came along side of him, and the deponent gave them some provisions, but no boxes or other kinds of goods. On the 27th, about noon, the revenue boat, with an officer and four or five men, appeared and presented themselves. (Was shown the document in English presented by the collcetor); said that he ignored it wholly, and it surprised him that his name appeared in such a document. Did not recognize the first signature, the second believes it to be his; that he does not know what he did, because he believed that as he was in a foreign country they were going to put him under the ground. The boat that he gave some provisions approached the land, and was then taken to the schooner's side, the officer having previously been on deponent's vessel and dined with him. That when he made sail he brought in tow the boat that had been brought to his vessel by the custom-house officer, having on board said officer and his sailors, to whom he gave the compass and all that he might need. During the trip to this port two other boats approached the schooner and they all came together.

GEO. CALEB.

William Kirshner, mate of the Adriana, affirmed and examined by interpreters, stated that he left San Francisco as mate of the Adriana about the 12th of December last, and that they were compelled to anchor in Las Frailes roadstead on account of foul weather, the ripping of the sails, and because the vessel began leaking. That while at anchor, although deponent was busy fixing the sails, he noticed that a custom-house boat came alongside, and then went toward the beach, and brought therefrom a boat that was beached, and that while they were alongside heard a conversation between the men in the boat brought from the beach and the custom-house officers in which they spoke of $800 or $900. That was all he could understand, as the conversation was carried on in the Spanish language. Then the officer boarded the schooner and remained on board about two hours, and examined the ship's papers, which he found to be correct. That the first time the officer was on board the schooner he brought no cases of goods, but there were goods in the boat that his men brought from the beach. The second time the officers came to the schooner they put on board the boxes taken from the boat near the beach. That he did not see the boat anchored near the beach,

and taken alongside of the schooner when the custom-house boat came or before; but he cannot state positively, it may have been there, because, as he stated before, he was busy fixing the sails. He does not know that the cases which were in the boat had previously come in the schooner, because deponent did not receive the cargo, as schooner was laden already when deponent shipped. The only cargo which he received was that which came on deck, such as boxes of coal-oil and lumber.

WILLIAM KIRSHNER.

Fritz Brukhorst, a sailor on the Adriana, affirmed and said: Sailed from San Francisco in the Adriana about the 11th of last month; that they anchored in the roadstead whose name he has forgotten, but it was inclosed on one side by a hill, the other side by the mainland; that while they were at anchor no boat approached the schooner till the plunger came. This went toward the land and brought a boat that was anchored on the beach, and in that boat was a large case and smaller packages, which were brought on board the schooner by the order of the officer of customs; did not see said packages taken from the schooner to the boat anchored near the beach; that in the boat anchored near the beach were four men whom he saw speaking with the officer, but did not understand what they said, as they talked in Spanish.

FRITZ BRUKHORST.

Benjamin Mellen, a sailor on the Adriana, affirmed and testified the same as Kirshner

Matthew Sullivan, sailor on the Adriana, verified to the same facts as Kirshner.

Francis Nelson, cook on the Adriana, the same as Kirshner as to the weather, anchorage, and leaking of vessel. He adds: A boat came alongside the Adriana and took therefrom several boxes; could not tell how many; saw but two or three. The boat, with boxes on board, withdrew half a mile from the schooner.

Louis Franco, a boy working his passage on the Adriana, testified the same as Kirshner in regard to condition of the vessel and bad weather. He adds: I saw the removal of boxes from the Adriana to the Intelligente; he in full confirming the evidence of Nelson.

Carlos Guigo, a custom-house officer, testified that he was present at the custom-house and saw Captain Caleb sign the statement given to Collector Grinda. The statement was in English, which the captain read after putting on his spectacles, and signed after reading.

George Alvarado, a student, a resident of La Paz, affirmed and testified: I wrote in English the document signed January 4 by Captain Caleb, as dictated to him by the captain, and that he read it to the captain and two of the crew. The captain signed it, and then added the lines in reference to the consul at its close. Identified the paper in court as the one drawn by him and signed in his presence.

Alberto Alvarado, Francisco A. Gea, Carlos Jehosa, José Almada, affirmed, and each testified that he was present when Captain Caleb signed the documents, and identified the document in court as the one signed in their presence.

José H. Hidalgo, one of the firm of Pablo Hidalgo & Co., affirmed, and said: That Captain Caleb's statement as presented in court is not true, as asserted, that the house of Pablo Hidalgo & Co., represented by deponent, sent him a letter directing him to deliver to the bearer thereof two boxes; nor had they given him any instructions in said letter not to enter the port of La Paz with the two boxes on board; that he has no knowledge of the boxes spoken of, and therefore could have given no order for their delivery. That what he (the captain) said about the boxes being marked with the initials "P. H. & Co.," he does not know who may have put that on them, but that the house he represents has no knowledge of said packages.

JOSÉ H. HIDALGO.

LA PAZ, MEXICO, *July* 18, 1883.

This is to certify that I have read the foregoing copy of evidence taken in the case of Capt. George Caleb that in the main it is literally correct, and in all respects gives a clear understanding of the evidence.

CARLOS F. GALAN,
Attorney for G. Caleb.

CALEB AND CUSTOM-HOUSE.

George Caleb, captain of the American schooner Adriana, fifty-five years old, married, born in the State of Massachusetts, to the questions made by Mr. Francisco G. Grinda, collector of customs at La Paz, the 2d of January, in the year 1883, answered: That on account of a gale, anchored near Cape Palma (3 or 4 miles), the 26th or 27th of December ultimo. On the next day a boat came aside the schooner Adriana; that in said boat were four men. Two gentlemen came to me with a letter from La Paz. The said letter was sent by the firm of Pablo Hidalgo & Co., ordering me to deliver

two boxes. In the letter I had instructions to enter the port of La Paz with the two boxes on board, under any consideration with the vessel. That I don't offer any money to the officer; but two men that were on board of the other boat offered $800 to the officer. That treated the officer with politeness, and the officer treated me the same. When the officer jumped on board he shaked hands with me, came to the cabin and took a drink with me, and remained with me three or four days. That what I said is the truth.

GEO. CALEB.

JAS. VIOSCA,
American Consul, La Paz:

DEAR SIR: I have here your note to the collector of the port stating that I was detained by the Mexican crew, misused by them. I deny the charge.

GEO. CALEB.

This is to certify that the foregoing is a correct copy of the original, which was in English.

La Paz, Julio diez y siete de mil ochocientas ochenta ytoes.

[SEAL.] O. NUNEZ.

STATEMENT OF CAPTAIN CALEB.

LA PAZ, MEXICO, *July* 17, 1883.

I was master of the schooner Adriana, of San Francisco, Cal., until the 26th day of November, 1882, on a voyage from San Francisco, to La Paz, Lower California. On that date I had a gale of wind from north-northwest, with high sea in the Gulf of California. My deck load shifted, my sails were torn, and my vessel was leaking badly. At noon that day I deemed it necessary to anchor my vessel, and anchored close under the land in a bay about four miles south of Cape Palmo. About 7 7 o'clock that evening men came to my vessel and asked if I could spare them some provisions. I asked them who they were. They said they were fishermen. I told my cook to give them some provisions, which he did. There was no one on the deck except the cook and myself, my other men having all laid down to rest. The next morning at daylight I was on deck; I saw on the beach a boat with several men around it; also, near them, a man on horseback. About 9 o'clock I was on deck again, when the same boat was a mile and three-fourths of a mile from my vessel. At noon the customs officers boarded my vessel, and remained about two hours, when they went away. About 4 p. m. they brought the boat before mentioned to my vessel, when I asked what was the trouble. A gentleman said that they had taken his boat because he had some goods on board, which he said he got on the beach, as he had informed the officers, and that they were his property. The boat and prize were kept at my vessel until about noon the next day, the 28th, then the officer told the men to go, and took them on shore in the custom-house boat. Before they left one of the men came to me and said that the officer told him to tell me in English that there was nothing wrong with me or vessel, and that I could go where I pleased. About half an hour after that the custom-house boat left my vessel, leaving an officer and two boys to take care of their prize. About 4 o'clock that afternoon there were men on the beach with pack-mules, and near by a large sloop. The officer was alarmed and I gave him permission to put his goods on board my vessel, and telling him that I would protect him and goods as long as they were there. About 5 o'clock the men came off from the shore in a boat, one of whom was one of the men whom the officer let go that had before been captured. I knew they meant trouble and intended to take the goods; an easy matter to do. I ordered them off, and with my men protected the men in charge and the goods.

On the 30th December the wind changed to the southeast and I left that place about noon. Before I left the custom's officer gave me a letter to the collector of customs, stating to me and one of my men who spoke Spanish that my vessel and crew were all right, and I gave him a receipt for the letter. The next day the officer came to me and demanded the letter, took it from me and tore it up, and gave me back the receipt. The custom-house boat caught up with me in a calm, about 20 miles north of Cape Palmo, and I was compelled to tow the boats to this place, 30 miles at least. I was surrounded by armed men from La Paz, all my letters and papers as well as ship's log-book taken away from me. They would not allow me to hoist the United States flag even for a pilot. They brought my vessel to anchor off this town. I was not allowed to send an open letter to the United States consul or a lawyer, and was forbidden to hold any communication with persons on shore. At night I was allowed a doctor. All this was done without an order from any court, by the custom-house men. I was kept under guard twenty-four hours; then was allowed to send an open letter to the United States consul. He was not allowed on board. I was ordered on shore with two seamen. Being very sick many days, and not in condition to leave my cabin, partially

deranged at times, I was marched to the collector's office, and there was told I had to make a statement or go to prison. I was in a weak condition, my mind partially deranged, and I don't know what I did then or for twenty days after. I was not responsible for myself, and the statement that I made has caused me serious illness and made me a large expense. On the 4th of January, 1883, I was committed as a prisoner without bail, and remain so. My seamen were allowed to remain on board the vessel until February 2, when they were sent to prison, where they were kept until April 16, at my expense in feeding them. Then they were let out, and I sent them home with three months' extra pay. On the examination of the case, a Mexican boy that I had on board, also an Italian cook with whom I had difficulty because of their misconduct, and who had threatened me, said that some goods were put out of the vessel. The Italian said that he would get $100 and the boy the same; when the case was tried, each when the case was tried told lies about me. Four days after they deserted the vessel and stole goods from me and the vessel. I have been sick all the time and don't know what has been stated against me. I employed the best lawyer here and he has attended to my affairs. I know that the officer that made the charge and his boat's crew have testified wrongly against the vessel. They found no contraband goods on board and nothing suspicious about the vessel. They say that there were two cases short in my cargo on which the duty had been paid. The Government has lost nothing. It is often the case that cargo is short on delivery. I cannot see how it was short unless cases were stolen at San Francisco on the wharf at night, which often occurs. The two cases they found on the small boat have numbers not corresponding with those that were short in the manifest. They found some goods in my consignee's store with marks on them the same as those they found in the small boat. I had nothing to do with that, and am not at all responsible for it. Vessels sailed for the gulf a few days before I did, and I am told by one of the men in charge of the small boat that the goods in their boat came from one of those vessels. I never was a smuggler. As a good citizen I have acted honorably by the Government, and now am persecuted for it. I am a great sufferer. I cannot speak the language of the country. I think my arrest and trial were conducted illegally.

GEORGE CALEB.

Subscribed and sworn to before me at La Paz, July 17, 1883.

HORATIO N. BEACH,
Consul, Guayaquil.

STATEMENT RESPECTING CERTAIN ITEMS APPEARING IN THE TRIAL OF CAPTAIN CALEB.

UNITED STATES CONSULATE,
La Paz, Mexico, July 18, 1883.

Regarding his having had a fair trial, it is my opinion that he was not tried in accordance with the regularity of the proceedings required by the laws of the country.

During trial, the treatment given by the authorities here to Captain Caleb and crew of the Adriana while in prison was certainly of a kind not deserving censure, and up to the present time Captain Caleb is nominally retained prisoner, lodging in a private family house, free from the care of policemen.

Captain Caleb's declaration, given on the 2d day of January, before the collector of customs, wherein he contradicts my assertions contained in the communication addressed by me to the collector under the same day and date, is of some curious notoriety, contradicted by him, if compared with his own note of the said day, delivered to me after he made the said statement, which note reads as follows:

"LA PAZ, *January* 2, 1883.

"Mr. VIOSCA, *American Consul:*

"SIR: I wish for your presence on board American schooner Adriana on important business without delay, as I am refused to hoist the American flag. I am sick, and want to see you at once.

"Very truly, yours, &c.,

"GEO. CALEB.
"*Master American Schooner Adriana.*

"9 A. M.

"P. S.—I want to employ a lawyer at once."

The Adriana's cargo was not liable to seizure, the same consisting in goods and lumber properly cleared from San Francisco and in a legal manner, with Spanish consular manifest and invoices, &c. The various consignees here had no connection with the said charge. Of course, everything went through the custom-house in the usual way.

[SEAL.]

JAS. VIOSCA.
Consul.

THE DISTRICT JUDGE.

Captain Caleb, in a communication to the United States Department of State, alleges that he did not have a fair trial, he basing his charge mainly on the declaration that his lawyer was not permitted to cross-examine the witnesses testifying against him, a right which he claims he should have been permitted to exercise under the Mexico code. What were the facts? Was he in all respects tried in accordance with the practice and usages under the Mexican law?

ANSWER OF THE JUDGE.

[Translation.]

Those are not the facts, because the law regulating proceedings does not exact the cross-examination to witnesses (law of the 5th of January, 1857), and also because the defendant, to whom the case was transmitted for the term of three days in order that he might suggest or cause to be done any convenient proceedings in favor of the party in custody in the way of introducing evidence or of taking testimony—he returned the same, stating that he had no further proof to render.

The trial of Captain Caleb was carried on by the court in conformity with the laws of the country.

(Not signed.)

STATEMENT OF LAWYER GALAN.

Captain Caleb, in a communication to the State Department at Washington, alleges that he did not have a fair trial, basing his allegation mainly on the declaration that his lawyer was not permitted to cross-examine the witnesses testifying against him; a right which he claims he should have been permitted to exercise under the Mexican code. What are the facts? Was he in all respects tried in accordance with the practice and usages under Mexican law?

REPLY OF LAWYER GALAN.

Captain Caleb is the defendant in two actions: one civil or quasi-civil, the other criminal. In the former, no opportunity was given him or his counsel to cross-examine the witnesses who deposed against him—in fact, the judge denied it; in the latter, he was tried as any one else would have been tried in the federal courts of Mexico.

Captain Caleb and his schooner Adriana were captured in December last and brought to this port on the 1st of January, 1883. At that time the federal district judge was not in the city, and the case was sent to the judge of the first instance, a territorial officer.

The revenue law under which this case was to be tried is that of November 8, 1880, and it provides in article 92 that immediately after the capture of the goods all parties shall be cited to appear before the court, and the trial shall be public, orally conducted, and finished in three days.

decided he should investigate the criminal part thereof, and he commenced proceed-

The territorial judge declared himself incompetent to try the smuggling case, but ings in secret, as it would be done before a grand jury.

By that means he obtained all the testimony he liked to without the knowledge of Captain Caleb or his attorney. In March the district judge came and commenced to try the smuggling case, wherein he made an order that the evidence should be produced in public, according to the special revenue law aforementioned.

Captain Caleb had his witnesses come into court, where they were publicly examined and cross-examined by the district attorney. The latter sought to produce as evidence copies of depositions made in the criminal case without the knowledge of Captain Caleb, and the court admitted them as *proof* in spite of Captain Caleb's objection. Due exception was made to the ruling.

In this way Captain Caleb was deprived of his right to cross-examine the witnesses produced against him, and the case was decided adversely to him without legal proof.

Once the judgment pronounced in the smuggling case, the captain was convicted in the criminal one, as a matter of course.

But I claim that if the law had been complied with, this could not have occurred, because without proof of smuggling (and no legal proof exists) there can be no smugglers convicted.

In the criminal case the captain was tried as any Mexican would have been tried, and all consideration was shown him, and, though convicted, has not been in jail for a second. In conclusion, I beg to state that I feel confident that the errors committed by the court here will be corrected by the circuit court, where the case is now on appeal, or at any rate by the supreme court, where the case should be taken and there

fought upon the smuggling issue, which is the important one. If that fails, the other case must necessarily follow, and the supreme court will give an impartial decision under any circumstances.

Such, at all events, is the humble opinion of

CARLOS F. GALAN.

LA PAZ, BAJA CALIFORNIA, *July* 18, 1883.

POINTS.

1. The actual character of the Adriana's visit to the roadstead of Las Frailes—whether induced by stress of weather as alleged in Captain Caleb's behalf.
2. The nature of the evidence to connect the Mexican sloop Intelligente with the Adriana.
3. The nature of the evidence connecting the operations of the local firm of Pablo Hidalgo & Co. with the Adriana.
4. The nature of the evidence of the cook and ship's boy, and the evidence, if any adduced, to show it was prejudiced, or that the witnesses bore ill-will to the captain.
5. Whether the Adriana's manifest compared with the cargo on board, and any discrepancies found tending to inculpate the captain.
6. Whether the proceedings were so conducted as to afford to Captain Caleb full means of defense and of examination of adverse witnesses.
7. Whether the treatment of Captain Caleb and his crew during the proceedings was in any way harsh or unusual.
8. The nature of the proceedings (if any) had in appeal on behalf of the captain.

THE EVIDENCE AND STATEMENTS ON THE POINTS.

1. There is no contradiction of the claim that bad weather existed.
2. The evidence is contradictory.
3. Statements of Captain Caleb that he did, and did not, receive a letter from Pablo Hidalgo & Co., and a denial from José H. Hidalgo.
4. There is no evidence of difficulty.
5. No allegation appears that there was any discrepancy between manifest and cargo, and the general cargo of the Adriana was delivered as consigned. (See Consul Viosca's statement.)
6. More for the purpose of appearing fair and impartial with the Mexican officials than with the expectation of getting important information, I personally submitted to the judge before whom Captain Caleb was tried the questions concerning the fairness of the trial as shown above, stating that it was presented so that he would have an opportunity of removing any erroneous impression that might have been created at the State Department by the captain's allegation, and at the same time offered to accept any documents bearing on the case that the officials saw fit to present. The brief document seemed to create among the officials a profound sensation. The governor, judge, district attorney, and other officials held meetings. The governor and judge called twice upon me to see if the language did not mean something different from what it expressed. At the end of the second day the judge presented the reply as shown above. (In response to my solicitation for information I took, by request, at the custom house, the document signed by Captain Caleb, as above.) Finding that the subject was one of much importance, especially in the estimation of the officials, I handed a copy of the same document to Lawyer Galan, without informing him that it had been presented to any other person. His reply will be found as previously stated. (See also Consul Viosca's statement.) Carlos A. Galan is an able man, and of high standing. I have no doubt his statement is true, taking into consideration all the circumstances.
7. I found Captain Caleb living in a house by himself on the chief business street. He was waited upon by an Indian boy. He informed me that he had always, after his arrest, resided there, and that his food was provided and expenses paid (lawyer included) by the firm of Hidalgo & Co., the alleged smugglers. I have no doubt the crew was well treated.
8. The case has been appealed to a higher court on the evidence as given. This court is held at Culiacan, the capital of the State of Sinaloa, about 270 miles north of Mazatlan. No further arguments are to be made, and a decision is expected right off. If the decision is adverse to Captain Caleb it is probable that the case will be appealed to a still higher court.

In concluding my report I desire to acknowledge the valuable assistance given me, under my direction, by Consul Viosca, who is a very earnest and capable officer. * * * Lawyer Galan gave me valuable aid, and without which I would not have been able to have presented a copy of the evidence short of a long journey to Culiacan.

I requested him to write direct to the State Department of any decision that might be rendered in the Caleb case, and if such information should be received, I trust the favor will be acknowledged. Before he did anything for me he stated explicitly that no charge would be made—that he thought the interests of his main clients (Hidalgo & Co.) would be thereby promoted.

* * * * * * *

The foregoing is my official report, which I have made a diligent and persevering effort to make complete and comprehensive. I trust my work will meet the approval of the State Department, which I have served to the best of my judgment and ability.

All of which is respectfully submitted.

HORATIO N. BEACH.

No. 416.

Mr. Morgan to Mr. Frelinghuysen.

No. 683.] LEGATION OF THE UNITED STATES,
Mexico, September 3, 1883. (Received September 20.)

SIR: I transmit herewith a copy of Consul Viosca's dispatch to me, No. 13, 17th August last, which informs me that the circuit court at Culiacan has fully confirmed the sentence imposed by the district court at La Paz upon Captain Caleb, of the American schooner Adriana, and that that schooner was to have been sold in a few days (after the date of his dispatch).

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 683.]

Consul Viosca to Mr. Morgan.

UNITED STATES CONSULATE,
La Paz, Mexico, August 17, 1883.

SIR: It has been reported from Mazatlan that in the appeal of the Adriana case pending before the United Mexican States circuit court at Culiacan, decision has been rendered by the said court fully confirming the sentence of the district court here.

The schooner Adriana will be sold by the authorities here at public auction in a few days.

I am, &c.,

JAS. VIOSCA.

No. 417.

Mr. Morgan to Mr. Frelinghuysen.

No. 688.] LEGATION OF THE UNITED STATES,
Mexico, September 18, 1883. (Received October 6.)

SIR: The Mexican Congress assembled in regular session on the 16th instant. Inclosed I transmit the message of the President, as published in the *Diario Oficial* of the 17th, together with a translation of the same.

I am, &c.,

P. H. MORGAN.

[Inclosure.—Translated from the Diario Oficial, 17th September, 1883.]

PRESIDENT'S MESSAGE TO CONGRESS.

Message of the citizen President of the Republic, delivered to the Eleventh Congress at the opening of the third session thereof, on the 16th of September, 1883.

GENTLEMEN DEPUTIES, GENTLEMEN SENATORS: In rendering to you, to-day, for the sixth time, a general statement of the condition of the Republic, it is pleasant for me to inform you that we continue our rapid advance in the path of order and progress upon which a few years ago we embarked, with the applause and for the benefit of our own countrymen and of other nations. The difficulties of an administrative character which I possessed you of in my last message have claimed and have received all the consideration from the authorities which they demanded. They are of the class of difficulties which, from time to time, appear in Governments even more thoroughly organized than ours, and are far from seriously compromising the happiness or prosperity of our country.

Our relations with the Governments of friendly nations grow more satisfactory every day.

By a special convention entered into and signed in this city on the 28th of June last, the convention entered into in Washington, which provided for the reciprocal passage of troops across the boundary of each country when in pursuit of savage Indians, has been prorogued for one year, which term expires on the 18th of August, 1884.

The Mexican and American Commission appointed to make the preliminary surveys, in conformity with the convention of the 29th of July, 1882, met at El Paso del Norte on the 4th of July last, and commenced work the middle of that month.

Mexico has named the persons who were to be adpointed on her behalf on the international commission to repair the monuments on the boundary line, and they arrived at Paso del Norte a short time before the expiration of the date fixed therefor by the convention referred to.

On the 1st of May of the present year ratifications were exchanged at this capital of the boundary treaty with Guatemala. The minister of that republic and our department for foreign affairs signed, during the past week, the agreement provided for by Article IV of the said treaty, to determine the details relating to the scientific commission whose duty it will be to establish the boundaries, and their respective labors. It is expected that the work thereon will be commenced within the time prescribed. And thus the long pending boundary question approaches its end, and will soon disappear, to the mutual benefit of both Republics.

The presence of our legations in the several Central American states has dissipated the prejudices and errors engendered by distance and isolation, and we are now cultivating with their respective Governments a sincere friendship.

On the 26th of July last the ratifications of a treaty of friendship, commerce, and navigation, which was celebrated on the 5th of December, 1882, with Germany, were exchanged in this city. The one celebrated with Italy in the year 1870, and which should have expired on the 30th of June last, as I informed you in my message of April last, has, by common accord, been prorogued for one year, and will, therefore, terminate on the 30th of June, 1884.

The department for foreign affairs reported to the Senate in the month of May last that a certain convention had been entered into between the Mexican and British Governments relating to the reciprocal sending of diplomatic agents, to be simultaneously appointed, empowered to arrange the basis of a renewal of diplomatic relations between the two Governments, relations which, unhappily, have been interrupted for sixteen years. These appointments were made on the 29th of May, in accordance with the term which had been agreed upon. The special envoy of Great Britain has been at his post since the end of July, and ours has been at his since the beginning of the month of August.

In respect of our interior relations, the executive has preserved, with the States of the union, the best harmony, faithfully and strictly observing the requirements of the federal compact.

Nothing worthy of special mention has troubled the public peace and security throughout the national territory, for although it is true that some restless spirits of communistic tendencies have endeavored to disturb the public order at several points in the State of San Luis Potosi and Puebla, the measures which were immediately taken by the governors of these States, as well as by the Federal Executive, put an end to the trifling disorders.

Local elections, regularly held, have taken place in the States of Aguas Calientes, Campeachy, Chiapas, Queretaro, Sonora, and Tabasco. For several years experience has shown that the hygienic conditions of the capital grow daily worse and worse, and although the causes of this serious evil are known, it is altogether impossible to apply the remedy required, for the reason that the funds at the present disposal of

the municipality are greatly reduced, and, notwithstanding the stictest economy, scarcely suffice to defray those most urgent and indispensable expenditures which cannot be postponed. It being unwise, as well as unworthy, of the capital of the Republic to continue for an indefinite period in this painful condition, the ajuntamiento has determined to contract a loan of $2,000,000. This project is now being considered by the department of the interior. This money is to be employed, by preference, upon public works of the most remunerative character, so that at the same time that the amortization of the loan, which is now sufficiently guaranteed by the property and revenues of the municipality, means will be forthcoming to improve the hygienic conditions of the city.

In conformity with the authority granted to the President by the law of the 20th of April, 1882, a new postal code has been prepared, and regulations under it are being prepared with a view of putting it in force on the 1st of January next.

The radical changes introduced by the code must produce important advantage to the public, among which are the reduced and uniform rate of postage, without reference to distance, the sale and free circulation of postage stamps, the establishing of a money-order system, and the organization of a delivery by carriers throughout the country, in conformity with the most approved systems which have been adopted by other countries. With the view of carrying out the provisions of the code, and to improve the postal service at the same time, contracts have been entered into for the establishing of new postal routes, principally in the frontier States, where they are most needed; it has been determined that communication shall be more frequent; the creation of new agencies has been determined upon; and, lastly, utilizing the railroads now in operation, which, when completed, will give us a daily communication with the United States, and, through them, with Europe. This important service will soon be properly accomplished.

As regards the department of justice, I have to inform you that district judges have been appointed at Paso del Norte, Piedras Negras, and Nuevo Laredo, as provided by the decree of the 23d of May last, and of three supernumerary judges to each of the tribunals of the district of Mexico, in accordance with the disposition of the decree of the 8th of June of the present year. With the view of complying with the decree of the 20th of June, 1883, the department of justice, assisted by a committee of the Chamber of Deputies, and of a commission specially appointed to that end, has in daily sessions occupied itself with the revision of the project of a commercial code, and it is to be hoped that its labors will soon be terminated. In order to harmonize the precepts consigned in the ordinance of the 23d of August, 1877, with those of the code of penal procedure of the 15th of September, 1880, a new ordinance was published on the 26th of June last upon articles 71, 72, and 73 of the penal code.

I recommend to Congress the prompt adoption of the suggestions presented by the executive on the 2d of May of this year upon the subject of the reforms to the civil code and code of civil procedure for the federal district and territory of Lower California, as well as to that referring to the organic law of article 96 of the constitution.

On the 16th of May last the minister in charge of the department of public instruction established the course of preparatory studies to be pursued by persons desiring to become engineers, which modifies all the rules upon that subject which had been established by the general law which organized public instruction. By reason of unforeseen difficulties, it has not yet been possible to open the national library to the public, but these difficulties will soon disappear, and it will be definitely inaugurated on the 5th of February, 1884.

Finally, the same department continues to employ itself with the project of a normal school, and proposes to present in a short time to the enlightened consideration of the Chambers, suggestions belonging thereto, to the end that, once resolved upon, an establishment of so much importance to the public instruction may be organized.

The various enterprises which are under the control of the department of public works continue to be rapidly developed. The Central Railroad Company has actively continued the construction of the lines which have been conceded to it. The one which starts from the frontier has lately reached Villa Lerdo, 800 kilometers distant from El Paso, and the one which starts from this capital going northward is completed as far as Aguas Calientes. The roads completed by this company exceed 1,500 kilometers.

The National Construction Company also continue to progress with their work in the region of country through which their roads are to pass. On their Pacific line rails have been placed as far as Morelia. On the one towards the north, starting from Acambero, work has been completed beyond Celaya, reaching half way between that city and San Miguel de Allende. Towards the north, the line which comes from Nuevo Laredo has reached Saltillo, and on the one from Matamoros to Monterey the company has completed 57 kilometers. Up to now this enterprise has constructed more than 1,000 kilometers of road. That which is known as the International Construction Company, which commenced to work at Piedras Negras, and has constructed 117 kilometers, and has erected a permanent bridge over the Rio Bravo. Among the

other enterprises is to be mentioned the Transatlantic Railroad between Vera Cruz and Acapulco, which has constructed 318 kilometers; the one from Vera Cruz to Alvarado has completed 68 kilometers; the one from Puebla to Izucar de Matamoros, 38; those in the State of Hidalgo, 87, and the one from Santa Anna to Tlaxcala has completed the tramway which connects the capital of the State with the Mexican Railroad. The rainy season has interfered with the prosecution of the National Railroad of the Isthmus of Tehuantepec as rapidly as the Government could have wished; 76 kilometers of the same have been completed. The surveys for the route are in an advanced state of progress.

The Tehuantepec Ship Railroad enterprise has completed the survey and determined upon the route thereof, and is now preparing the plans which have to be submitted for the approbation of the Government. According to the report of the inspecting engineer, the necessary preparations are being made to enable work to be commenced as soon as the plans shall be approved.

Congress can appreciate the progress made in railroads by the total number of kilometers which have been constructed in the whole of the Republic, and which exceeds 4,800.

The work for the improvement of the harbor of Vera Cruz is being prosecuted, and in others, such as Progreso and Tuxpan, piers are being constructed.

Preparations are being made for work of the same character. A contract has also been entered into for the improvement of the port of Mazatlan.

The federal telegraph lines are being extended throughout the Republic, and are being erected either by the Government itself or by contraction. The increase in the federal lines which has taken place since the last session of Congress amounts to 500 kilometers. The total federal lines exceed 18,000 kilometers. State lines of private companies are not included in this estimate.

The departments of agriculture and mines have received the particular attention of the executive. General commissions are surveying in different sections of the country, and one of a purely scientific character has been organized, which will serve as a center and give direction and uniformity to the several geological, botanical, and zoological surveys which are being made throughout the vast extent of the Republic.

With a view to giving a new impulse to agriculture, the department of fomento has continued to distribute plants brought from abroad; has caused the propagation of others in several of our States in which they have not heretofore been cultivated, and has furnished directions for the proper cultivation of all said plants.

A contract has been entered into for the importation of Belgian colonists, skilled in the cultivation of flax, who will be employed solely in that industry in the country. The silk industry has also received a stimulus; silk worms, mulberry plants, spinning machines, and with detailed directions relating to silk culture, have been distributed.

In order to extend the importation of textiles, a contract has been entered into for acquisition of improved machines for the separation of the fiber from plants, which will be distributed in the different sections where textile plants abound.

The spawn of different species of fish have been ordered, and studies have been made, with the view of repopulating our waters. Animals have also been purchased with a view of improving the breeds of the country, and a place has been set apart at the school of agriculture for the breeding and rearing of some of the best of these animals.

A commission is engaged in adopting elementary texts upon the objective system, and for the instruction of children in the country schools. They will be printed at the printing office recently established by the department of fomento.

Another commission is engaged in studying the proper means for the protection of useful animals.

With the view of inducing immigration to our sparsely populated country, the Executive has made contracts with various persons, upon the best terms he could obtain, for the transportation and establishing of immigrants. One of the most important of these contracts is the one entered into with the Mexican Transatlantic Company, whose steamers will commence to run in the month of November next, and who have agreed to convey emigrants on their own account to the number of 1,000, the Government only paying their passage.

The establishing of a printing office by the department of fomento, which has already been alluded to, has given rise in that department to the idea of publishing an historical library, reprinting not only rare works and works of the greatest importance, but also some works which have not heretofore been published. To this end a commission, composed of men distinguished in literature, has been appointed to direct the proposed publications.

Finally, as respects the department of fomento, the Executive permits himself to again recommend to Congress the adoption of the important suggestions which he has had the honor to submit for its approval; such as those relating to colonization, to patents of invention or improvements therein, and those relating to navigable and floatable rivers.

As regards the department of finance and public credit, I have the satisfaction to inform Congress that the adoption of the new system in the keeping of the public accounts continues to produce the best results; among others, that of furnishing the Executive, whenever required, such exact information as enables him to appreciate the movements in the public revenues and the condition of the treasury. According to information taken from the accounts corresponding to the last fiscal year, which are nearly completed, the federal receipts for that period exceeded $33,000,000, which exceeds by upwards of 3,000.000 the year preceding.

In these receipts are included $18,000,000 duties on imports, and although these receipts during the last two years have been increased by exceptional causes, and to a considerable amount, if they be substracted, a comparison between the receipts of 1881-1882 with those of 1882-1883 will show a difference of 2,000,000 in favor of the latter.

Besides, notwithstanding the monetary crisis through which the country passed about the middle of the last fiscal term, the receipts greatly increased, although, as the Executive informed Congress at the opening of its last session, the increase was not so great as it was from 1879 to 1885.

This condition of things justifies the opinion that the progress of the country rests on a solid and permanent basis, and will produce more complete and satisfactory results as the international and interoceanic railroads are completed, and others are extended or projected, and when the banking institutions of the country shall be more firmly established, and the public debt shall have been funded. These considerations cannot fail to exercise a powerful influence in the development of our elements of riches, and improve the economic condition of the Republic.

Congress, inspired by considerations of transcendent importance to the national credit, saw fit, by a law of the 14th of June of the present year, to authorize the Executive to arrange and correct the public debt. Acting under the authority, measures have been taken to accomplish this important object, and are now nearly completed.

As regards the debt contracted by the Republic in London, I have the honor to inform Congress that the project of settlement with the holders of these titles demanded, in the opinion of the Executive, important modifications favorable to the country, modifications which were proposed to the holders of the bonds, through a duly authorized agent of the Mexican Government. Pending the result of these negotiations, the Executive assures Congress that the basis of the settlement and conversion of the public debt will be established upon a uniform rule which will apply to the debts arising from every source, and in strict conformity with the term of the law of the 14th of June last.

The Executive has also been authorized to effect a loan of $20,000,000. Formal negotiations have been entered upon in this direction, and the Executive hopes that they will be satisfactorily, and at an early day, concluded.

Under the authority granted to the Executive by the revenue law in force to determine the most Effective manner for carrying out the stamp tax upon merchandise, he will issue the necessary orders in respect of tobacco and textiles of Mexican manufacture, so that they may take effect at the commencement of the year 1884.

The delay in this promulgation has been necessarily retarded in order that the offices should be provided with a sufficient quantity of stamps, and that the service should not be retarded from the want thereof.

The amendment to article 124 of the constitution, which fixes the 1st day of December, 1884, as the date upon which the *alcabales* (excise) and interior custom-houses shall seize the idea, suggested itself to the Vera Cruz Government that a conference of the local and federal authorities should be held, with the view of devising suitable measures to prevent the accomplishment of these measures from producing financial disturbances from the want of precautionary measures to prevent them. In this sense he invited the Executive, if he should be of the same opinion, to convoke a conference.

As this suggestion conforms to the constitutional obligation of the federal powers of the Union to prevent the establishing of onerous restrictions upon commerce between the States, and that it is particularly necessary to put in practice an idea which is designed to avoid possible troubles and to make it uniform as far as possible, the executive power accorded with pleasure to the request of the Vera Cruz Government, and has convoked a conference to be held in this capital on the 1st of October next.

The invitation having been favorably received by the governors of the several States, a large number of them have already named the persons who are to represent them in the conference, and there is reason to believe that the meeting will take place without difficulty, and that it will produce satisfactory results, which will put an end to this question. The work of reform to the customs tariff has been actively pursued, and I am happy to be able to inform Congress that it is in an advanced state.

The public expenses are regularly met. The sum paid to railroad companies amounts to $7,000,000, in accordance with their respective contracts.

The increase of the public revenues, which has taken place despite of unfavorable financial circumstances, the influence of grand industrial enterprises which are being developed under circumstances propitious to the public peace, aided by the active protection of the Government, and lastly the mobilization of the titles of the public debt, which gives a new and powerful element to mercantile activity and to the development of wealth, constitute to the eye of the executive power certain guarantees that in the future the federal treasury will be able to meet not only its actual obligations, but also those which will arise in the payment of the debt when the arrangements for its conversion will have been perfected.

With reference to the department of war and marine, it is not unimportant to say that a military photographic bureau has been established in that department. This bureau will prove of great utility, as among the work to be done by it will be the copying and reduction of designs for the making of a general map of the Republic, which is being successfully made in various geographical districts by special officers attached to the staff and commissioners appointed by the department of public works.

The printing and correction of the rules for the government of every department of the army is being admirably carried on. Two batteries of steel guns of the Debange system have been received here, being a portion of those contracted for with the St. Chamand factory, in France, on the 18th of October of last year. By the end of this year the balance of those contracted for should be received.

The work on the military college at Chapultepec are nearly completed. In this establishment some of the courts have been enlarged to the benefit of the cadets.

As regards our navy, I have the pleasure to inform you that the floating dock at Lerma has been armed, and that it will be launched to-day.

Iron and bronze foundries have been established in the arsenals of Lerma and Acapulco.

Lastly, our small marine has, up to now, been administered according to the ancient naval ordinances of Spain; the adoption of a marine code is a great necessity. With a view of presenting to Congress a suggestion for one, a commission has been appointed to prepare one and is now employed upon it.

GENTLEMEN DEPUTIES, GENTLEMEN SENATORS: If on the one hand the progress which has been accomplished, and that which we are about to realize in all the departments of the administration is apparent, and if, on the other hand, financial difficulties have not taken and are not likely to assume alarming proportions, but on the contrary may be and have been overcome, the belief does not appear presumptuous nor one too confidently expressed, that the general condition of the country is good, if it is not absolutely satisfactory. On the other hand, the constitution confides to your persevering patriotism ample powers to promote and realize the greatest good to the Republic. Now, as heretofore, you will not falter in the grave and sacred trust, in which you may rely upon the Executive for assistance to the full measure of all of his powers.

CORRESPONDENCE WITH THE LEGATION OF MEXICO AT WASHINGTON.

No. 418.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, January 20, 1883. (Received January 20.)

MY ESTEEMED MR. FRELINGHUYSEN: I have the honor herewith to transmit to you, in pursuance of the suggestion made by you to me during our interview of to-day, a copy of the appeal addressed by the representatives and senators of the State of Chihuahua to the President of the United States of Mexico, which bears date of December 25, 1882, and in which he is requested urgently to call the attention of the United States Government to certain measures which, in their opinion, will prevent incursions into and depredations in that State by Indians located on reservations in this country.

I do not wish to let this occasion pass, Mr. Secretary, without informing you that since my return to this capital in March, 1882, I have

devoted special attention to the subject of Indian incursions into Mexican territory, owing to its great importance to the tranquillity and welfare of the frontier States of Mexico, and that I have solicited information on this subject from various prominent residents of the State of Chihuahua, who are well informed with regard to it. My purpose in so doing has been that I might be enabled to form a reliable opinion relative to the matter, and to find out what measures might be adopted in order to prevent or render less frequent said incursions, so that I might then suggest such measures in a friendly and informal manner to the Government of the United States.

I had refrained from inviting your attention to this matter lest I should appear to be interfering in something that I consider as belonging to the internal administration of the United States, although its consequences may likewise affect citizens, and even whole States of the Mexican Republic. Now, however, that the Government of Mexico has instructed me to call your attention, although informally, to this subject, I avail myself of the opportunity to state that of all the measures that are thought by those best informed likely to conduce to the object desired, the most simple, and in my judgment the most effective, would be to disarm the Indians, and to try to prevent them from disposing of booty taken in Mexico in this country, since they would then have no incentive to commit their depredations.

I think that if a treaty is necessary to secure the adoption of measures to prevent the sale of such articles, and to render such measures reciprocal, the Government of Mexico will be prepared to conclude one on terms that will be found equitable and mutually acceptable.

I am, &c.,

M. ROMERO.

[Inclosure.—Translation.]

The undersigned, representatives and senators of Chihuahua, present this statement to the citizen President of the Republic, through the citizen secretary of foreign relations, relative to the alarming situation of the people on the frontier of that State, owing to the incursions of the savages who make their escape from the American reservations. They do this hoping that some plan may be devised for the prevention or mitigation of the outrages committed by those Indians.

The undersigned are well aware of the earnest desire of the federal Government to protect the frontier. They know that the federal Government maintains forces there are commanded by most honorable officers, who have obtained well deserved praise both at home and abroad; they know, too, that it pays auxiliary forces to pursue the Indians, and that it takes the necessary steps in other ways for the promotion of the prosperity of the State. The people bless the patriotic efforts of the Government, but they bitterly regret that these efforts are to a great extent frustrated by the protection which the Indians receive on the American reservations.

They there dispose of their booty; they there find repose; they there purchase first-class arms; they there make their preparations unmolested, and thence they sally forth, well equipped, to invade the State and to commit atrocious crimes. The undersigned will give a brief statement of the most recent occurrences.

During the night between the 19th and 20th of October last the Indians murdered twenty-one persons in the canton of Degollado, in the State of Chihuahua; eight of those persons were members of one family, and three others were in the employ of that family.

The official journal of the State, of the 4th of November last, in giving an account of this massacre, makes the following statement: "When the bodies of these unfortunate persons were taken to their home, a heart-rendering scene occurred. Dolores García, an old man, the only survivor of the entire family, went from one to another of the mangled and bleeding bodies of his children and grandchildren, some of whom were infants at the breast. As he did so, he uttered the most heart-rending cries.

The *Progresista* of Paso del Norte, of the 1st instant, publishes a report of the

massacre committed by the Indians, on the 13th of November last, in the Canton of Galeana, in the State of Chihuahua, and gives the names of the twenty-three persons killed. Then perished the citizen Juan Mata Ortiz, who had rendered such excellent service to the State and to the federation, who was ever ready to fight against those terrible adversaries, who had so often routed them, and whose memory is so dear in the town in which he has left a family in a destitute condition. He, with his twenty-two brave companions, resisted an attack of more than 200 Indians for many hours. They defended themselves with the utmost heroism, using their dead horses as a breastwork. At length, however, every one of them was killed.

Finally, the citizen Governor, Don Louis Terrazas, in private letters written in November last and during the present month, informs several of the undersigned that in less than one month more than sixty persons were killed in that State by the savages.

Long and terrible is the list of murders committed by the Indians, and severe and costly are the sacrifices made by the federal and local governments in this bloody war. These sacrifices, unfortunately, have not secured the desired object, owing to the protection which the Indians find on the American reservations.

They have suffered severe defeats at the hands of the Mexican regular troops and auxiliary forces, as, for instance, that in which Victorio and his band were destroyed, and in which Mexico won such renown. Other and still more bloodthirsty bands come, however, well armed, in order to avenge the defeats of their friends, and thus the time of their final chastisement is indefinitely postponed. If those fatal American reservations were withdrawn to a great distance from the frontier, or if, at least, the Indians were not provided with fire-arms, and if the powerful American Government could put a stop to the infamous traffic carried on with them by heartless dealers, there would be a speedy end of these massacres, which are such a disgrace to civilization. While the American nation is regarded with wonder on account of its power and glory, since the glory is so great that is due to it for its immense sacrifices in the liberation of millions of slaves, the fact that it is unwilling or unable to disarm those hordes that so cruelly murder its own citizens and ours, is also a subject of wonder. When the United States have given Mexico such unmistakable evidences of friendship, and when they maintain such cordial relations with us, it is difficult to see why they do not render us the most important service, which would be to prevent the arming of the Indians on their reservations, where they prepare with impunity to invade our country.

Now that Mexico has come out victorious from the severe trial to which fate subjected her, and is acquiring so glorious a name among nations, it is most sad to think of the bloody spot that is cast by these savages upon the unhappy people of our frontier. And now that the locomotive is crossing the wilderness of both frontiers, it causes unutterable grief to hear, together with the shrill shriek of the steam-whistle, the still more shrill warwhoop of the savage. It is high time, for the honor of the age in which we live, for the honor of two powerful neighboring Republics, for the sake of the friendship that happily exists between them, and, in a word, for the sake of humanity itself, that a stop be put to the frightful scenes which the undersigned have depicted.

The undersigned, being touched by the appeals of the people whom they represent, and obeying the instructions received by them from the government of their State, hereby appeal to the citizen President to devise some plan that may effect the object desired. They feel entire confidence in the enlightenment and patriotism of the Chief Magistrate, in the well known talents of the secretary of foreign relations, and in the zeal of the minister accredited at Washington, and doubt not that they will avail themselves of every opportunity, in the name of humanity and sincere friendship, and that they will secure the severe punishment that is needed by the Indians on the reservations, or that they will cause the removal of said reservations to a great distance from the frontier, or, finally, that they will secure the disarming of the Indians, so that it may not be in their power to do further harm.

The undersigned present their assurance of their highest respect to the citizen President, and likewise to you, citizen secretary, and assure you of their special regard.

Mexico, December 25, 1882.

EDUARDO URNETA.
M. LEON.
G. FERNANDEZ.
R. GUERRERO.

To the Citizen Secretary of Foreign Relations of the Republic of Mexico.

No. 419.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, February 7, 1883. (Received February 10.)

Mr. SECRETARY: I have the honor herewith to send you a copy of a communication which I have this day received from the consul of Mexico at Tombstone, Ariz., bearing date of the 24th of January last, whereby he informs me that parties of Apaches have been leaving the San Carlos Reservation in that Territory for the purpose of invading the State of Sonora, and that it has thus far been impossible to get a stop put to these movements by the regular forces of the United States.

I think it proper to call your attention to this matter, pending the receipt of instructions on the subject from the Mexican Government.

I avail, &c.,

M. ROMERO.

[Inclosure.—Translation.]

Mr. Prieto to Mr. Cayetano Romero.

CONSULATE OF THE UNITED STATES OF MEXICO
Tombstone, Ariz., January 24, 1883.

I this day address the secretary of foreign relations as follows:

I have the honor to inform you that, according to the newspapers of this city, extracts from which, with translations, are herewith inclosed, small parties of Apaches have been leaving the San Carlos Reservation and entering the State of Sonora since the early part of this month. According to advices received from that State, they have already committed depredations. General Crook, in whose command said reservation is, has been informed of this by telegraph, but I have not yet learned that any steps have been taken to check these movements. It is difficult to see why, when the American Government has so many troops on the Indian reservations in this Territory, it allows the savages to commit all sorts of outrages in our Republic, after having been driven out of which by our troops, they quietly return to their reservations.

I have the honor to transcribe the foregoing to you for your information, and for such other purposes as you may think proper.

I remain, &c.,

DIAZ PRIETO.

No. 420.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 16, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in relation to the Apache Indians, who, it is represented, have been leaving the San Carlos Reservation in Arizona Territory and invading Sonora, Mexico.

I have accordingly submitted copy of your note to the Secretaries of War and of the Interior, who have been asked to adopt such further measures as may be found practicable by their respective Departments for the suppression of the abuses complained of.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 421.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 10, 1883.

SIR: Adverting to the Department's note to you of the 16th ultimo, I have now the pleasure to inclose to you, for the information of the Mexican Government, copy of a letter of the 7th instant from the Secretary of the Interior, stating that an investigation has been directed in regard to the complaint that Apache Indians had left the San Carlos Agency and invaded the Mexican State of Sonora, and that should it be found that these Indians had improperly left the agency, every additional effort to restrain them would be taken.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Teller to Mr. Frelinghuysen.

DEPARTMENT OF THE INTERIOR,
Washington, March 7, 1883.

SIR: I have the honor to acknowledge the receipt of your communication of the 16th ultimo, inclosing copy of note from the Mexican minister resident in relation to alleged invasion of the State of Sonora by Apache Indians from this side of the line.

In reply, you are respectfully informed that an investigation has been directed by the Indian Office in the matter of complaint presented by the representative of the Mexican Government, and should the wrong complained of be found to have been committed by Indians within the control of the agents of this Government, additional efforts will be made to restrain them within the borders of their own country.

Very respectfully,

H. M. TELLER,
Secretary.

No. 422.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, March 11, 1883. (Received March 12.)

Mr. SECRETARY: I have just received your note of yesterday, in which, referring to that of your Department of the 16th ultimo (whereby you acknowledged the receipt of that which I had the honor to address to you on the 7th of that month), you were pleased to inclose to me, for the information of the Government of Mexico, a copy of a communication from the Secretary of the Interior, in which that officer states that he has ordered an investigation to be held with regard to the complaint that the Apache Indians have left the San Carlos Reservation and invaded the State of Sonora, and that if it shall appear that the said Indians have left that reservation without proper authority additional efforts will be made to prevent them from so doing in future.

In reply, I have the honor to inform you that I shall at once trans-

mit to the department of foreign relations of the United States of Mexico a copy of your note of yesterday and of its inclosures; and that I feel convinced that the Government of Mexico will be gratified by the disposition of that of the United States to adopt any additional measures that may be necessary to prevent invasions of the frontier States of Mexico by Indians from the agencies of this Government.

I have, &c.,

M. ROMERO.

No. 423.

Mr. Romero to Mr. Frelinghuysen.

[Extract.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, March 22, 1883. (Received March 23.)

Mr. SECRETARY: Referring to the communications which have been addressed by this legation to your Department in relation to inroads into the territory of Mexico by Apache Indians from the San Carlos Reservation in Arizona Territory [see Foreign Relations for 1882], I have the honor to send you a copy of certain extracts from a communication addressed to me on the 15th instant by the Mexican consul at Tombstone, Ariz., whereby he informs me that the Apaches are leaving said reservation, either singly or in parties of two, three, and four at a time, for the purpose of making raids in the State of Sonora.

Begging you, Mr. Secretary, to be pleased to urge that orders be issued to prevent the Apaches from leaving their reservation, inasmuch as they have, in time past, been such a scourge to the Mexican States of Sonora and Chihuahua,

I have, &c.,

M. ROMERO.

[Inclosure.]

Mr. Dias Prieto to Mr. Romero.

CONSULATE OF THE UNITED STATES OF MEXICO,
Tombstone, Ariz., March 15, 1883.

I have the honor to inform you that the Apaches continue to leave the San Carlos Reservation for the State of Sonora one by one, two by two, and even in parties of four. These Indians have recently appeared in considerable numbers in that State and have committed various outrages * * * very near the aforesaid reservation, without any measures having been taken to restrain them.

* * * * * * *

I renew, &c.,

DIAZ PRIETO.

No. 424.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 27, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant relative to the reported further invasion of the Mexican

State of Sonora by Apache Indians from the San Carlos Agency in the Territory of Arizona.

I have hastened to acquaint the Secretary of the Interior with the contents of your note, and, in view of the frequency of the complaints of your Government of the acts of those Indians, have suggested that the strictest measures be adopted to prevent them from quitting their reservation and crossing into Mexico. I have also furnished the Secretary of War with a copy of your note, and have asked that whatever assistance may be properly given in the matter by his Dapartment may be accorded to the ends of restraining future depredations by those reservation Indians.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 425.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 9, 1883.

MY DEAR MR. ROMERO: I have received your memorandum of the 10th ultimo, in which you repeat in writing the request you had made personally the same day in the name of your Government for a reply to the note of your legation of the 20th of January last respecting the depredations of Indians on the frontier.

As the note referred to of the 20th of January was an informal and personal communication from you to me, transmitting a certain paper addressed to your Government by the representatives and senators of Chihuahua, I adopt the same informal and personal method of replying.

No one can realize more than I the delicacy of relationship between two countries like ours, each of which is compelled to maintain control over savage tribes on its border; and the record of our correspondence for years past has shown how often the patience and forbearance of each Government has been tried by the hostile and predatory acts committed by those savages on both sides of the frontier.

I observe that your note of the 20th, following the intimation of the memorandum of the Chihuahua representatives, suggest that a special treaty be concluded by which the United States would guarantee to disarm its Indians, and to endeavor to prevent them from disposing within the United States of booty taken in Mexico. My impressions are that stringent provisions in each Republic rendering it as far as possible impracticable for the Indians to dispose of their booty in the territory of the other would be a salutary measure. The treaty relations between the two Governments need to be considered in the broadest and most liberal spirit, and the consular and commercial conventions which heretofore existed between the two Governments protecting the rights of American citizens in Mexico restored.

You will of course see, that while we are without a convention defining consular privileges and without any agreement fixing the rights of American citizens and capital in Mexico, the relations of the two countries are more or less exposed to unforeseen contingencies.

Believing, as I do, that a proper exercise of vigilance and control over the hostile Indians on both sides of the frontier is very necessary to the

interests of the two countries, I will be ready at any time to cooperate with you in agreeing upon measures to effect that end.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 426.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE.
Washington, April 10, 1883.

SIR: I have the honor to refer to previous correspondence upon the subject, and to apprise you of the purport of a report transmitted with a letter from the War Department of the 31st ultimo, from Brig. Gen. George Crook, of the United States Army, in command of the Department of Arizona, concerning the recent complaints of the Mexican Government that Apache Indians have been leaving of late the San Carlos Reservation in Arizona, invading and committing depredations in the Mexican State of Sonora.

General Crook's report is an exhaustive reply to these several complaints, and, happily, shows that these outrages have not been perpetrated through the failure of the regular forces of the United States to repress them, or the measures adopted by this Government to keep those Indians within proper bounds.

General Crook first directs attention to the foundation upon which the Mexican consul at Tombstone admits he bases his present representations to his Government, and then says:

> The sum and substance of the information is that Indians are leaving or have been leaving the San Carlos Reservation since the early part of January, this year, and that according to advices received from that State (Sonora) they have already committed depredations. He (the consul) further remarks that "General Crook, in whose command said reservation is, has been informed of this by telegraph, but I have not yet learned that any steps have been taken to check these movements," and concludes by saying that "it is difficult for him (the consul) to see why the American Government allows the savages to commit all sorts of outrages in our Republic (Mexico) after having been driven out of which by our (Mexican) troops, they quietly return to their reservations."

Concerning these charges, General Crook's report shows that since his conferences with the Apaches, hostile and friendly, on the reservation and at the San Carlos Agency, at different dates in the months of September, October, and November of last year, no depredations have been committed upon the people of Sonora by Indians from the San Carlos or other reservations in Arizona.

It is further stated that the Indians committing the outrages from time to time reported in Sonora and Chihuahua, and a band known as the Chiricahuas, which, under their leaders, Ju and Hieronymo, broke out from the San Carlos Reservation in April last, just five months before the return of General Crook to the Department of Arizona. These Indians it appears have since remained in the Territory of Mexico, and possibly have been the occasion of much damage to the unfortunate people living within the scope of their murderous raids.

The Chiricahuas have never been under the jurisdiction of General Crook, and it is also represented that no Indians have left the San Carlos Reservation since the periods above referred to.

Immediately upon his return to the command of the Department of Arizona General Crook took every precaution to restrain the Indians

under his supervision, and applied himself to the restoration of the system which had worked so successfully in former years. He says:

A complete count was made of all the Indians, with a descriptive list embracing name, number in band, probable age, height, physical and other peculiarities. Each male Indian capable of bearing arms was compelled to wear a tag of brass or tin, fastened at the neck or wrist, and containing the letter designating his band and his own number therein.

Daily counts were instituted and the presence of every Indian verified.

Careful selections were made of the best Indians, excluding young boys who have neither physical maturity nor tribal influence. To this I gave earnest personal attention, as I know nearly every Apache Indian (of the Arizona band at least), and am in a position to pick out those who will render the most valuable service.

These scouts, organized into companies, keep us advised of the most insignificant transactions, either in contemplation or actual movement.

To command and control these bands I have chosen officers of special fitness, who communicate with me direct to avoid the delays which might result were their reports and recommendations to pass through the regular channels.

"An occasional spy," says General Crook, "may possibly get through from the Chiricahuas to the Apaches at the agency," but your own good judgment will convince you that this might happen even with the strictest surveillance. It is confidently asserted, however, that the organization at the San Carlos Agency is now so perfect that not an Indian man, woman, or child can leave there without its being known almost before they reach the Gila River.

General Crook next takes up the subject of newspaper statements touching these repeated Indian outrages, and declares that false rumors and reports have too frequently been accepted by them as facts, and scattered broadcast, inflicting great injury to the mining and other interests of Arizona and Northern Mexico. Interested parties, "who make a pittance from wars and rumors of wars, have often been found at the bottom of these falsehoods"; and who, "if they cannot have a genuine Indian outbreak, can at least start baseless reports of Indian outrages."

In conclusion, I again quote from the report of General Crook, as follows:

In my position here as commanding general, I enjoy the friendliest and most cordial relations with General Bernardo Reyes, commander of the Mexican troops in Sonora. Nothing would give me greater pleasure than to co-operate or combine with him in operations to force to submission the persistently hostile Chiricahua Apaches.

If the two Governments desire the destruction of the Indians who have occasioned so much trouble, I would simply request permission to cross the border. My own scouts could readily determine the position of their strongholds and the rest would be easy.

In this way, it is thought, this constant menace to the happiness and prosperity of the two communities could be removed and forever.

I avail &c.,

FRED'K T. FRELINGHUYSEN.

No. 427.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Boston, April 11, 1883. (Received April 23.)

MY DEAR MR. FRELINGHUYSEN: I have had the pleasure to receive your note of the 9th instant, whereby you were pleased to acknowledge the receipt of the memorandum which I addressed to you on the 9th

ultimo, in which I repeated the request that I had made verbally, on that same day, in the name of my Government, viz, that you would be pleased to answer the note of this legation of January 20, 1883, relative to the depredations of Indians on the frontier. You were pleased to inform me that, as my note of January 20 was an informal one, of a personal character, addressed to you, transmitting a statement addressed to the Government of Mexico by the representatives and senators of Chihuahua, you had adopted the same informal and personal method for your reply.

You were pleased, in conclusion, to enter into general considerations touching the situation of both countries as regards the savage Indians in the border States, and to make certain statements in reply to that of the representatives and senators of the State of Chihuahua.

Thinking, as I do, that abstract discussions of this question must be barren of results, since, in my opinion, it constitutes an evil which is common to both Republics, to which both are most deeply interested in putting to as speedy an end as possible, I refrain from any reflections concerning the manner in which each has endeavored to fulfill its duties in this matter towards its own citizens, and towards a neighboring friendly nation, although the course pursued by Mexico would, in such an examination, appear in a highly favorable light.

Confining myself to the practical adjustment of this question, now that the Governments of both countries are actuated by friendly sentiments which have already led them to take an important step towards the final settlement of this matter, viz, the conclusion of the agreement signed July 29, 1882, whereby the crossing of troops is authorized from the territory of the one to that of the other, I think it will be well for us to continue in such a course; and since you have been pleased to inform me that, in your judgment, one of the most effective means to secure the result desired by both would be the adoption by each Government of such measures as may be necessary to prevent in its territory the sale of booty taken in that of the other, I will thank you, if you have no objection, to inform me whether, in your opinion, each Government should, independently, adopt such measures for that purpose as it may deem suitable, or whether these measures should form the subject of an international convention, and, in the latter case, what measures the United States Government considers adapted to the attainment of so important objects.

Very truly, yours,

M. ROMERO.

No. 428.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 16, 1883.

SIR: I have the honor to apprise you of the receipt of a letter of the 6th instant from Hon. H. M. Teller, Secretary of the Interior, covering a report made to him by Mr. H. Price, Commissioner of Indian Affairs, touching the alleged recent invasion of the Mexican State of Sonora by Apache Indians from the San Carlos Reservation in Arizona Territory. This complaint of the Mexican Government was based upon certain allegations of the Mexican consul at Tombstone, founded mainly upon news

paper reports, and formed the subject of your note to me of the 22d ultimo.

Mr. Price's information is obtained from persons who have a personal supervision of the San Carlos Indians, and is to the effect that none of them have recently left the reservation. He states that frequent reports made to that office by agents at San Carlos, and which are believed to be perfectly trustworthy, show that the Apaches there have been carefully watched, and that all, without exception, are peaceable, well disposed, and manifest not the least sign of dissatisfaction, but that, on the contrary, their leaders and most influential men express a desire to fight the renegades from the reservations. Mention is also made of a recent dispatch to the Department of the Interior from General Crook, in command of the Department of Arizona, in which it is stated that the Indians who have committed the depredations complained of in Mexico are a small band known as Chiricahua Apaches on their way back from Old Mexico, where they have been living for more than a year past. These Indians are understood to be a troublesome lot, and General Crook, it is stated, promises to do all that he can to exterminate them. That officer's dispatch also alleges that the agency Indians are behaving well, not one having left the San Carlos Reservation, and that their assistance can be relied upon in case of the return of the Chiricahuas.

It will be perceived that these statements not only confirm and strengthen those contained in my note to you of the 10th instant upon the same subject, but demonstrate that the San Carlos Indians should not be held accountable for any outrages which have been recently committed in Mexico as alleged. Neither is it thought that the Mexican Government can now question the means instituted by the United States to preserve peace among those Indians or its sincerity in restraining and keeping them within proper bounds. Concerning the Chiricahua Apaches, it is not doubted that they, in connection with renegade Indians of like character belonging to Mexico, have been operating with more or less success on both sides of the border, to the injury of life, person, and property of Americans and Mexicans, citizens alike; or that the extermination or subjugation of those Indians would do much to restore a degree of peace and security perhaps not now enjoyed upon the border of either country. The Mexican Government may confidently rely upon the adoption by the United States of whatever measures may be necessary or possible to rid its citizens of these renegade Chiricahuas should they reappear upon our territory, or the authorities of this Government will gladly act in harmony with those of the Government of Mexico in endeavoring to successfully control a common enemy whose predatory raids are a constant source of disquiet to the inhabitants along the borders.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 429.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 24, 1883.

SIR: I have the honor to transmit herewith, for your information, the inclosed copies of two letters from the Secretary of War, of the 20th instant, in relation to the pursuit of hostile Indians across the border

by the troops of either Government, pursuant to the agreement signed by us July 29, 1882, and to invite attention, particularly, to the statement in this correspondence that a literal construction of the terms of the present agreement will result in utter failure in the settlement of pending Indian hostilities. This fact appears to be recognized by the officers in command of both armies on the frontier.

In view of this condition of affairs, and not doubting that your Government has an equal interest with our own in successfully overcoming those Indians whose predatory raids upon the border have been a constant source of irritation to both Governments, I have deemed it expedient to lay the matter before you, and to ask that you telegraph your Government for its permission to conclude an understanding with me, allowing the United States and Mexican military commanders, in joint conference, to depart from the letter of the agreement of July 29, 1882, where it may be found necessary in case of threatened danger or actual hostilities.

The importance of this subject will, it is conceived, commend itself at once to you and to your Government, as it does to mine and to me. Urging, therefore, that you will give the matter prompt attention, so that General Schofield may be advised, if possible, of the result before April 28th instant, I avail, &c.

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Lincoln to Mr. Frelinhuysen.

WAR DEPARTMENT,
Washington City, April 20, 1883. (Received April 21.)

SIR: I have the honor to transmit herewith for your information and for such action as may be deemed proper, a copy of a telegram of the 18th instant from the commanding general of the Military Division of the Pacific, repeating a dispatch from the commading general of the Department of Arizona, stating that he has had consultation with the general officers in command of the Mexican forces in Sonora and Chihuahua, and that all recognize the fact that a literal construction of the terms of the present convention between the United States and Mexico will bring about failure in the settlement of pending Indian hostilities. He further urges the great importance of permitting the military authorities who are on the ground to vary the stipulations to the extent required by the best interests of the two Governments, and requests that immediate steps be taken to bring about this desired result.

I also transmit herewith for your information a copy of a telegram dated the 19th instant from the General of the Army, stating, in reply to the telegram of the 18th instant, above referred to, that it is not possible or practicable to alter or amend the agreement made with the Mexican Government as to the co-operation of the troops in pursuit of hostile Apaches depredating on both sides of the national border.

Very respectfully, &c.,

ROBERT T. LINCOLN,
Secretary of War.

General Schofield to Adjutant-General.

[Telegram.]

PRESIDIO OF SAN FRANCISCO,
April 18, 1883.

Following dispatch just received from commanding general Department of Arizona:

"Have had consultation with the general officers in command of the Mexican forces in Sonora and Chihuahua. We all recognize the fact that a literal construction of the terms of the present convention between the United States and Mexico will bring about failure in the settlement of pending Indian hostilities. It is all important that

we on the ground be permitted to vary these stipulations to the extent required by the best interests of the two Governments, and I urgently request that immediate steps be taken to bring about this desired result. We are likely to have another such blood-curdling raid as that of last month at any time so long as any of these hostiles remain out in the mountains, and all the troops on both sides cannot prevent it. After the lapse of ten days I expect to be beyond the reach of the telegraph, hence it is all important I should know before I start."

SCHOFIELD,
Major-General.

General Sherman to General Schofield.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., April 19, 1883.

General SCHOFIELD:

It is not possible or practicable to alter or amend the agreement made with the Mexican Government as to the co-operation of the troops in pursuit of hostile Apaches depredating on both sides of the national border. That agreement is all the Mexican laws will permit, and there is no time for their Congress to modify laws to suit the private judgment of local commanders. General Crook must do the best he can under the stipulations of that agreement. There is no objection to the cordial co-operation of the troops of both nations. If the troops jointly operate on our side, the senior officer of our Government present must command the whole. In like manner, if our troops act in conjunction with Mexican forces on their side, the Mexican commander must be responsible for all acts and expenses to his own Government.

W. T. SHERMAN,
General.

Mr. Lincoln to Mr. Frelinghuysen.

WAR DEPARTMENT,
Washington City, April 20, 1883. (Received April 21.)

SIR: Referring to Department letter of this date upon the subject, I have the honor to transmit herewith, for your information, a copy of a telegram of the 19th instant from the commanding general of the Military Division of the Pacific, requesting favorable consideration of the recommendation of the commanding general of the Department of Arizona in respect to construing the terms of the present agreement between the Secretary of State and the Mexican minister providing for the reciprocal crossing of the international boundary line.

Very respectfully, &c.,

ROBERT T. LINCOLN,
Secretary of War.

General Schofield to Adjutant-General.

[Telegram.]

PRESIDIO OF SAN FRANCISCO, CAL.,
April 19, 1883.

I earnestly request the favorable consideration of the recommendation of the commanding general Department of Arizona, in respect to construing the terms of the present agreement between the Secretary of State and the Mexican minister providing for the reciprocal crossing of the international boundary line.

SCHOFIELD,
Major-General.

No. 430.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, April 26, 1883. (Received April 27.)

Mr. SECRETARY: Referring to the note which I had the honor to address to you yesterday, in reply to that from your Department of the preceding day, I have the honor to state to you that this afternoon I have received the reply of the secretary of foreign relations of Mexico, to the telegram I sent to him yesterday acquainting him with the addition which the War Department of the United States proposes to make to the convention which we signed in this city on the 29th July, 1882, authorizing the reciprocal passage of the frontier by troops in pursuit of revolted Indians.

The secretary of state for foreign affairs of the United Mexican States tells me in reply that the President of the Republic cannot modify the aforesaid arrangement without a fresh authorization thereto from the Chamber of Senators, whose assent, whether prior or subsequent, is indispensable to give validity to any agreement made with a foreign nation which might authorize the passage of its troops into Mexican territory. The secretary for foreign relations adds that he awaits full knowledge of the modifications proposed by the Government of the United States, in order to decide upon the suitable course; and he states that the Mexican secretary of war has already made explanatory orders for that convention, in a liberal sense.

Having forwarded to the secretary for foreign relations of the Mexican Government a copy of your note of the 24th instant, setting forth the modifications which the Government of the United States desires to be made in the aforesaid convention, I trust that they will be taken into consideration when the copy to which I refer shall reach Mexico.

I embrace, &c.,

M. ROMERO.

No. 431.

Mr. Davis to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, May 7, 1883.

SIR: Referring to the note from this Department to Senor Don Matias Romero, of the 24th ultimo, relative to the modification of the existing arrangement for the reciprocal crossing of the frontier by the troops of either country in pursuit of hostile Indians, I have now the honor to inform you that I have received from the Secretary of War further information, which shows that the object in view was not so much to confer upon the respective military commanders powers enabling them to depart from the general stipulations of that arrangement, as to permit them to continue the active operations now begun beyond the time fixed by the supplementary protocol of September 21, 1882, for the termination of the arrangement. I inclose herewith copy of a telegram which has been received from General Crook, which will explain the object primarily in view in making the request previously communicated to your Government. It appears that this purpose can be attained by the

simple expedient of signing an additional protocol, similar to that of September 21, 1882, extending the duration of the agreement of July 29, 1882, for one year longer, and I am directed by the President to say that if your powers under your present instructions are adequate to that end, I shall be happy to sign such an additional protocol with you forthwith. If not, I have the honor to request that you will communicate with your Government by telegraph and obtain such authorization as will facilitate the speedy accomplishment of a purpose which I have no doubt will commend itself to the Government of Mexico no less strongly than to that of the United States.

I am informed by the Secretary of War that the present operations begun by General Crook, in conjunction with the Mexican commander, against the hostile Apaches, whose depredations have been so great a source of terror to the dwellers on both sides of the frontier line, will probably continue more than three months, during which time he will necessarily be beyond the reach of telegraphic communication. It would therefore appear especially desirable that by means of a timely understanding between the two Governments, which can be made known to him in season, the danger that successful operations against the Apaches be brought to a halt on the 18th of August next, and the anticipated good results of this season's campaign rendered fruitless, should if possible be averted.

In the event of the approval of the Mexican Senate being required for a mere arrangement by protocol, extending the agreement for another year, an additional reason for immediate action would exist, inasmuch as the session of that body is near its close.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

General Crook to Adjutant-General.

[Telegram.]

(San Bernardino Springs, A. T., May 3, 1883.)

Dispatch of 28th instant from General Sherman received. It is not my intention to violate convention between the two Governments. My object in visiting Sonora and Chihuahua was to arrange for co-operation, and in case my troops followed hostiles into Mexico, to see if it could not secure a liberal interpretation of the terms of the agreement in regard to the time I could be allowed to remain there. It is my intention to start to-morrow morning in pursuit of the savages in accordance with the treaty.

GEO. CROOK,
Brigadier-General.

No. 432.

Mr. Cayetano Romero to Mr. Davis.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, May 8, 1883. (Received May 9.)

SIR: I have the honor to acknowledge the receipt of your polite note of yesterday, whereby, referring to that addressed by your Department to Don Matias Romero on the 24th of April last, relative to the modifi-

cation of the convention now in force for the reciprocal crossing of the frontier by the troops of both countries in pursuit of savage Indians, you were pleased to transmit to me a copy of a telegram from General Crook, dated San Bernardino Springs, May 3, and to inform me that it appeared, from the information received by you from the War Department, that the object had in view by the Government of the United States is not so much duly to authorize the respective commanding officers on the frontier to deviate, to a certain extent, from the general stipulations of the agreement, but rather to permit them to continue the active operations already undertaken by them beyond the limit of the time fixed by the additional protocol of September 21, 1882, which result, you remark, may be secured by simply signing a similar protocol extending the time of the convention for one year. You therefore inform me of the desire of the President of the United States that such a protocol should be signed immediately, and inquire of me whether I am duly empowered for such a purpose, requesting me, if I am not, to solicit by telegraph suitable authority from my Government, inasmuch as the realization of the object had in view will thereby be greatly facilitated, which object, you do not doubt, will receive the same consideration from the Government of Mexico that it has from that of the United States.

You were likewise pleased to remark that, as the operations which have been undertaken against the Apaches will last more than six months, and as they are to be carried out in a region in which there is no telegraphic communication, the speedy settlement of this matter is desirable, in order that General Crook may be informed of the result, and that said operations may not be rendered fruitless.

You add, in conclusion, that if the approval of the Senate of Mexico is required in order to extend for a year the agreement concerning the crossing of troops, the fact that the session of said body will soon close is an additional reason why the authorization in question should be asked for without delay.

In reply I have the honor to inform you that not having been authorized to sign the protocol in question, I have requested my Government, by telegraph, to send me instructions, which I will communicate to you so soon as I shall have received them.

I avail, &c.,

CAYETANO ROMERO.

No. 433.

Mr. Cayetano Romero to Mr. Davis.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, May 9, 1883. (Received May 10.)

SIR: Referring to the note which you were pleased to address to me yesterday, relative to the desire for the immediate signing of an additional protocol extending for one year the treaty concerning the crossing of troops, and also referring to the reply which I sent to you on the same day, I now have the honor to inform you that I have just received a telegram from the department of foreign relations of Mexico, dated

No. 434.

Mr. Frelinghuysen to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, June 7, 1883.

SIR: I have the honor to acknowledge the receipt of your note of th 23d ultimo, in relation to the duration of the agreement between th United States and Mexico, providing for the reciprocal crossing of th frontier by troops in pursuit of hostile Indians.

The understanding of the Department is that the privilege accorde by the agreement of July 29, 1882, ceases after the 18th of August nex pursuant to the subsequent agreement of September 21, 1882, unles the same shall be prolonged by the two Governments.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 435.

Mr. Davis to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, June 23, 1883.

SIR: I have the pleasure to transmit to you, for the information of the Mexican Government, the inclosed copy* of a letter from the War Department of the 13th instant, covering an unsigned telegram, but which is understood to have been sent by Brig. Gen. George Crook, United States Army, and from which it will appear that, in his recent and successful operations against the hostile Chiricahuas in Mexico,

No. 436.

Mr. Cayetano Romero to Mr. Davis.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, June 24, 1883. (Received June 26.)

SIR: I have had the honor to receive your note of yesterday, as an inclosure to which you were pleased to transmit to me, for the information of the Government of Mexico a copy of a communication from the War Department, bearing date of the 13th instant, inclosing a copy of a telegram without signature, but which is supposed to have been sent by Brig. Gen. George Crook, of the United States Army, from which it appears that during his military operations on Mexican soil against the Chiricahua Indians he strictly observed the spirit of the agreement of July 29, 1882, between Mexico and the United States, which authorizes the reciprocal crossing of the frontier by troops.

In thanking you for the transmission of these documents, which I shall forward to the department of foreign relations of Mexico, I must inform you of the earnest desire of the Government and people of Mexico that the Government of the United States may adopt efficient and severe measures against the Indians who have been captured by General Crook, since on the measures that shall be adopted in their case depend the security and welfare of the frontier districts of Mexico, which have suffered so severely of late years from the continual depredations of Indians from this country.

I avail, &c.,

CAYETANO ROMERO.

No. 437.

Mr. Cayetano Romero to Mr. Davis.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, August 16, 1883. (Received August 18.)

SIR: When General Crook surprised, on the 15th of May last, in the Sierra Madre, Sonora, the camp of Chato, the Indian chief, in which some of the hostile Chiricahuas were, he took, after the fight which he had with them, a large number of articles which had been stolen for the most part, during their recent raids in Sonora, from citizens of that State, for it is a matter of public notoriety that those Indians invade our territory for the sole purpose of committing depredations.

The Government of Mexico has consequently instructed me to request that of the United States to order that the owners of the articles taken from the Indians be summoned to present themselves for the purpose of claiming and receiving what rightfully belongs to them.

I am further instructed to ask that the same thing may be done by both Governments in similar cases, and that, if it be deemed necessary, a stipulation be added to the agreement for the reciprocal crossing of troops, providing that if any party of troops take from the Indians articles that have been stolen by them, it shall be the duty of the commanding officer of such party to send a carefully prepared list of such articles to the nearest civil or military officer of the neighboring nation.

I avail, &c.,

CAYETANO ROMERO.

No. 438.

Mr. Frelinghuysen to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, September 15, 1883.

SIR: The feasibility of adopting specific measures for the prevention of lawless incursions upon either side of the Rio Grande is a subject, I beg to assure you, which has not failed of earnest attention by this Government as well as by the authorities of the State of Texas and the adjacent Territories; and while any proposition for summary Government action which contemplates individual restraint for precautionary rather than penal cause must encounter objections of serious weight, such objections have no place in the established or suggested systems, which, aiming at regular defined and ascertained offenses, seek indirectly to deter from other and more grievous crime.

Hence, upon the presentation of the subject by Mr. Romero's note of January 20 and April 11 last, the Department took means to ascertain more accurately the extent to which the purpose of preventing these too frequent expeditions was represented in the enactments governing the districts upon this side of the border, and I am gratified now to be able to communicate the general character of the information obtained.

It has long been manifest that plunder was a principal motive for the excursions which have emanated either from Mexico or the United States, and, recognizing the impracticability of restraining completely the departure or return of evil-minded persons across a border of such considerable extent, the efforts of the legislature have been to so increase the difficulties of realizing profits from unlawfully acquired property that the attempts to obtain such property would lessen.

Accordingly, and auxiliary to proceedings against the actual offender, the legislatures of the two Territories have made ample and exceptional provisions affecting the receivers or sellers of stolen property. In Arizona these withdraw from the possessor, though innocent, any security of title against the original owner, and if the latter follows his property with reasonable proof he can thus always recover it by judicial assistance. So, too, these statutes are particularly considerate of the safety of all live property, which is peculiarly a subject of plunder, and by heavy penalties require the branding system and guard against any but notable and formal alteration of the marks; and by many severe restrictions tend to render difficult and improbable any but open and lawful dealings in this important species of property.

In New Mexico the larceny of a branded animal is a felony, without reference to its value, and in Arizona such offense is grand larceny, as may be that of the receivers. In neither is it considered that these and other provisions would be inapplicable in the case of property stolen in Mexico and brought across the border.

I am uninformed as to whether the neighboring States of Mexico have enactments of equal extent, but presume that the similarity of occupations, interests, and necessity have prompted measures in this direction, and while existing facilities in this country may prove not entirely adequate to preventing the evils in question, they seem a vigorous attempt, and if individual instances under these laws were resolutely prosecuted, with the aid of those wronged, the hazard of theft should constantly increase and in that proportion would its attempts be avoided. As illustrating the readiness and desire of the people of this country to make use of any new expedient seemingly adapted to the repression of this

organized plundering, I beg to refer to a letter recently submitted here from the acting governor of Arizona.

In counseling upon the subject he remarks: "I think a mounted police or military force should be posted in such manner as to guard the passes between the mountains on the border through which stolen cattle are driven and through which smugglers and raiding Indian bands pass to and from Mexico," and adds that this opinion, which is shared by all intelligent men of the Territory, had expression in a bill introduced at the late session of the legislature, but too late for final action.

Should it prove possible for the frontier States to supplement their existing laws with direct measures of the above nature, it might confidently be expected, in conjunction with a similar system in Mexico, that conditions which have so long and persistently threatened the population of both countries would be speedily and favorably affected.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 439.

Mr. Frelinghuysen to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, September 15, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 16th ultimo, relative to the return of the articles stolen from Mexican citizens by the Indians whom General Crook recently surprised and captured in the Sierra Madre, and the formal agreement suggested by you to meet such cases in the future.

Adding that the matter will receive the attention of this Government, I avail, &c.,

FRED'K T. FRELINGHUYSEN.

No. 440.

Mr. Frelinghuysen to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, October 24, 1883.

SIR: Adverting to the Department's note to you of the 15th ultimo, I have now the honor to inclose to you, for the information of the Government of Mexico, copy of a letter from the Secretary of War of the 19th instant, covering a report from General Crook, stating that it would be difficult, if not wholly impracticable, to carry out the suggestions presented in your note of August 16 last relative to the return of articles stolen from Mexican citizens by the Indians recently captured by that officer.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Lincoln to Mr. Frelinghuysen.

WAR DEPARTMENT,
Washington City, October 19, 1883.

SIR: The Department duly received your letter of the 3d ultimo, inclosing, with request for an expression of the views of this Department thereon, a copy of a note from the Mexican chargé d'affaires *ad interim* here of August 16 last, relative to the return of the articles stolen from citizens of Mexico by the Indians recently captured by General Crook in the Sierra Madre, and suggesting that a formal agreement be entered into between the United States and Mexico providing for the return in future of such articles as may be recovered from captured Indians when ascertained to belong to the citizens of either Government.

In reply I have the honor to state that the subject was duly referred to General Crook, who is thoroughly conversant therewith, and from whose report thereon, dated the 30th ultimo, a copy of which is herewith inclosed, it would seem to be difficult, if not wholly impracticable, to carry out the suggestion presented by the chargé d'affaires of Mexico in his above-mentioned note.

Very respectfully,

ROBERT T. LINCOLN.

General Crook to the Adjutant-General.

HEADQUARTERS DEPARTMENT OF ARIZONA,
Whipple Barracks, Prescott, September 30, 1883.

SIR: Referring to a communication of the 3d instant from the Acting Secretary of State to the Secretary of War, inclosing a note from Mr. Romero, Mexican chargé d'affaires at Washington, with reference to the return of articles in the possession of the Indians surprised by my command in the Sierra Madre, &c., upon which my views are requested, I have the honor to report that before starting upon this expedition I enlisted as scouts a number of Apache Indians from the White Mountain Reservation for service during the trip.

These Indians thoroughly understood the dangers which would probably be encountered, and knew that it would entail upon them a march on foot of over one thousand miles, over exceedingly difficult country. You cannot expect to hire Indians for a trip of the nature of the one in question for $13 per month, and I therefore promised them before starting that they should have any property they might capture from the Chiricahuas. This property would really be the spoils of war, and belong to them under any circumstances.

That on the 15th of May my scouts attacked and captured the rancheria of Chato and Bonito, finding therein few articles of value other than perhaps as many as forty head of horses and mules, some of them with Mexican and some with American brands, and others unbranded. These animals, in accordance with my agreement, wth the other plunder of the camp, fell into the hands of the scouts. A number of the animals were killed and eaten for food by the Indians, others died or were abandoned on the trail.

The Indian prisoners had some money, but this was either taken from them by the scouts or was retained in their own possession. To consent now to the reclamation of these animals would result in serious trouble, and would open wide the door for the disreputable cowboys and rustlers of the two countries to make false and fraudulent claims for stock never lost, which would result perhaps in applications for every hoof of stock on the White Mountain Reservation. It would also have the effect of creating an uneasy feeling among these Indians that my agreement with them might be overruled by higher authority, which would seriously impair my influence over them.

In reference to the concluding portion of Mr. Romero's note, I have to remark that in my judgment it will not be advisable to add the stipulation referred to to the agreement for the reciprocal crossing of troops, for the reasons above stated, that it would offer an opening for fraud, and for the further reason that in my opinion it would be practically of no value, and might form the basis for mutual recriminations between the citizens of the two countries.

Very respectfully, &c.,

GEORGE CROOK,
Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
Presidio of San Francisco, October 6, 1883.

Respectfully forwarded to the Adjutant-General of the Army.

I concur with General Crook in the opinion that it would not be practicable to carry out the suggestion of the Mexican chargé d'affaires, however desirable it might be to do so.

J. M. SCHOFIELD,
Major-General, Commanding.

No. 441.

Mr. Cayetano Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, October 25, 1883. (Received October 26.)

Mr. SECRETARY: I have had the honor to receive your polite note of yesterday, whereby you were pleased to reply to the note which I addressed to the Department of State on the 16th of August last, and to transmit to me a copy of a communication from the honorable Secretary of War, one of a report of General Crook, and one of a telegram from General Schofield, in command of the Military Division of the Pacific, relative to the difficulties which are likely to arise in the execution of the plan suggested by the Mexican Government for returning to its owners the booty taken from the Chiricahuas who were captured in Mexican territory last spring.

General Crook, in his report, states not only his reasons for refusing to return the booty in question, but also his objections to the restoration to their owners of such articles as may hereafter be taken from the savages by the troops of both Republics.

The promise made to the scouts to give them, as a reward for their services, any articles that should be taken from the Chiricahuas, which articles belong, for the most part, as is public and notorious, to peaceable inhabitants of both sides of the frontier, whose lives and property are frequently endangered by the savages, enables me to realize the obstacles lying in the way of the acceptance by the United States Government of the plan suggested by my Government in this matter.

I shall, without delay, communicate the contents of your note and its inclosures to the department of foreign relations of my country; and I avail, &c.,

CAYETANO ROMERO.

PERSIA

No. 442.

Mr. Benjamin to Mr. Frelinghuysen.*

[Extract.]

No. 10.] LEGATION OF THE UNITED STATES,
Teheran, June 13, 1883. (Received July 31.)

SIR: I have the honor to report that, having made all due expedition, I arrived at Teheran on the 9th of June, being the sixty-fifth day after sailing from New York. I took the route by water, via Bordeaux, Marseilles, Constantinople, and Poti. From the latter place I crossed by rail to Baku, on the Caspian Sea. Constantinople was reached in thirty-one days, the allowance for the journey to that place being forty days. I remained there a week, securing information for the journey, servants, &c. I received numerous attentions from the United States and the Persian legations. The former kindly furnished me a flag, which was carried at the masthead in the ports of the Black Sea, for the first time probably in many years. In order to enter Russian territory I was obliged to have my passport vizéd by the American and the Russian consuls at Constantinople, and was courteously furnished by the Russian chargé d'affaires with a paper which enabled me to pass my baggage without the extreme inconvenience and annoyance attendant on travel on Russian soil. At Trebizond our consular agent, Mr. Marengo, was very polite, and the same may be said of the commander of the garrison, Arif Pasha, and the Persian consul. At Batoum we received attentions from the Russian Admiral Eravier. The railway from Poti to Tiflis is a fine example of engineering up the steep, winding defiles of mountain ranges. The part from Tiflis to Baku was opened about a fortnight before our arrival, most fortunately, as it proved.

It proceeds, for the most part, through a vast, arid plain, flat as the sea, and sparsely peopled by nomads. I was told by prominent Russians that this portion of the country is yet insufficiently governed and unsafe. Owing to there being but little way traffic or passage service the expenses of traveling on this road are enormous. The buffets are, however, good, but a general system of extortion and the slow method of calculating in money matters by balls and wires, the weighing of baggage, &c., warn tourists not to enter the country without time, patience, and money in abundance. Baku we found to be a place of great and rapidly-growing importance as the chief port of a large inland sea and the production of a vast quantity of petroleum. The Persian consul brought me a telegram from the Shah in reply to a message I sent informing him of my near arrival to the frontier. His majesty urged expedition, as he was about to leave Teheran for his summer tour. It was blowing a violent gale of wind, and the regular post steamer, with good accommodations, was to sail for Enzeli in two days. But I engaged passage at once for myself and family in a small boat having the meagerest cabin, and sailed at 1 a. m. I reached Enzeli on the second day. The steam yacht of the Shah came over the bar and

* Other dispatches from Mr. Benjamin are published in the Consular Reports, because they treat of commercial matters.

took us on shore. This is the only vessel permitted by the Russians to fly the Persian flag on the Caspian, although all the southern coast belongs to Persia. The awning and curtains of the yacht were crimson, a color reserved in such a case for the Shah alone. We were met on landing by Mehmet Taghy Khan, the mehmandar or officer delegated to receive ambassadors and conduct them to the capital. We were escorted with considerable pomp to a summer residence of his majesty, situated in a garden and overlooking the surf-beaten shore of the Caspian. Attached to it is a peculiar circular pavilion in several stories picturesquely decorated. After breakfast we were taken on the steam yacht across a shallow lake or arm of the sea to the mouth of a narrow stream. There we entered boats and were towed up the winding river whose banks are inclosed with reeds in which tigers are still found.

We landed at the village of Piri Bazaar, which forms the port of Resht. We were met here by the governor-general of the province of Gilan and a number of notables. After the usual refreshments the ladies of my family were escorted to the town in a carriage. I was then requested to mount a fine horse, said to belong to His Majesty, and some fifty gentlemen accompanied me to the city of Resht, a place of over twenty thousand inhabitants, 6 miles distant. When half way there we were met by six governors of neighboring provinces, with their attendants, all mounted. Forming a line by the roadside, they gracefully saluted your representative, and then joined his escort with their attendants. At the entrance to the town I was met by a delegation of two hundred citizens, who, after saluting me, formed a procession and conducted us to the residence of the governor-general of Gilan, where we were received by a company of soldiers. Here we were awarded comfortable apartments and were assured that it was an unusual compliment to be entertained at this mansion, instead of being lodged like other foreign ministers in a building reserved for them. Many officials and prominent citizens called on me here. * * * I was urgent to reach Teheran, and that Resht, being surrounded with rice-fields, is excessively malarious. But the Russian minister, with a train of attendants and ninety-six horse loads of luggage, was in advance of me, and I could not move until permission was granted by the Shah.

On the fifth day a telegram arrived stating that his majesty was to start on the 11th, and urging me to hasten with speed. According to the laws of Persia, a foreign envoy arriving at the gates of the capital in the absence of the Shah cannot enter it until his return. Therefore if I should be an hour too late I might be obliged to remain outside the gates of Teheran for four or five months. I was therefore obliged to leave my family to make the arduous journey over the mountains of 220 miles, inadequately attended and inexperienced, while I traveled with post horses or *'chappa*, as it is called here, with the Mehmandar. The first stage of 48 miles, at a smart gallop, was rather hard for one who had not ridden a horse for a year. But the scenery was varied and magnificent. On the north side of the mountains the vegetation had a tropical luxuriance, while on the south side it was arid, with plains skirted by distant roseate ranges, as in Colorado, and varied with frequent mirage. We crossed the Elbooz ridge where it is 6,300 feet high, and opened the stupendous peak of Demarend, a cone resembling Chimborazo, and looming above Teheran to a height of 20,000 feet.

En route I received a dispatch from the Shah stating that, desirous of showing his good will towards the United States, he intended to receive me with the honors awarded to a minister plenipotentiary. I replied thanking His Majesty, explaining that I could not accept the

title, while I should not decline any ceremonials he might show in behalf of my Government. As it happens, all the other Governments at Teheran are represented by ministers plenipotentiary or ambassadors. At Aga Baba I was met by the calantar, or mayor, of Casbin, with attendants bearing boxes of confectionery laid on the floor before me as a compliment to the eye, for they were merely to be looked at. The calantar stated that the governor of Casbin, who is a brother of the Shah, was desirous of coming out to welcome me with distinction. I thanked him in suitable terms, but requested the favor of declining the honor of a public reception, as I was in rough traveling clothes and too weary with my gallop of 130 miles for extended ceremonies. On reaching Casbin, the mehmandar called on his excellency the governor, with my compliments and apologies. The broad avenue to the hotel, the hotel, and the neighboring buildings were gay with streamers for the occasion. This hotel has an entrance and staircase reserved entirely for foreign envoys. It was my wish to continue the journey without delay, but I was again hindered by the slow progress of the Russian minister, who, on hearing of my approach, quickened his progress, leaving most of his luggage behind. The comity of nations and the law of Persia prevented my arriving at Teheran before him or even on the same day. "We do not allow two foreign envoys to enter Persia, *i. e.*, the capital, on the same day," said the mehmandar.

Casbin is a flourishing city of 40,000 people, possessing a well-kept inn belonging to the Government. The chief products of the city and district are dried fruits, nuts, carved woods, and wine. The latter has an agreeable flavor, a pale, yellowish-red color, and is somewhat milder than Burgundy. It is cheap, and would be well received abroad, but it is so moderately fortified that it does not keep well.

Carriages were furnished me at Casbin by His Majesty's orders. A fine carriage road has been recently finished between that place and Teheran. When within a stage of the capital I was obliged to await further orders, which were at last brought by a mounted herald; every detail was timed with precise punctuality. The Persians conduct their elaborate ceremonials with a precision of etiquette and remarkable punctuality which is quite phenomenal in the East. A brilliant pageant had been prepared outside of the walls at one of the royal pavilions: on approaching we were met by a golam, or courier, who presented me with a box of sugared cherries. He came at breakneck speed, mindful apparently, of the fact that a courier previously sent to me with dispatches, having failed to meet us at the right point, had been obliged to ride at a rate which resulted in the death of his horse and also in a severe beating for himself.

I was met at the stairway of the pavilion by the naar el mulk, or general in chief of the armies of Persia, and a glittering crowd of prominent officers blazing with blue, scarlet, silver, and gold, and decorations innumerable of diamonds and costly jewels. Giving me his arm, the general in chief led me to an audience hall, and, seating me at his right, ordered tea and pipes. After a further exchange of courtesies and compliments we descended to the court below, and I mounted a fine Arab horse belonging to the Shah. This was the signal for every one to mount, and the cortege of nearly one thousand royal guards was put in motion. They were generally uniformed after the most brilliant European uniforms, with some added touches of oriental splendor, but some were clad in the graceful garb of Circassia or the effective simplicity of the Cossacks. As we moved across the plain towards the beautiful turreted gate of the city, which is decorated with parti-

colored, glazed tiles, the Cossacks dashed hither and thither between the lines, firing muskets in the air and exhibiting the most brilliant feats of horsemanship.

The streets were lined with throngs of spectators, and at intervals were stationed the police or squads of military. Passing through the grand square of the department of war, we turned into the new or European quarter of the city. On approaching my quarters an aide galloped up and informed me that three hundred soldiers were marshaled at the entrance to receive me. Returning their salute, I dismounted and was accompanied to the reception-room by the general-in-chief and his staff. After the customary tea and pipes, he requested permission to retire, and they all departed. I should add that on entering the house I found the tables weighed down by an immense quantity of confectionery sent by His Majesty.

Numerous minor incidents and details demand more than an allusion. But this dispatch has already reached unusual proportions, and I must confine myself only to the more important events of the arrival of the first American legation at Teheran. On the following day, after previously sending preparatory notice, according to custom, I made, following the established etiquette, an informal call on the secretary of foreign affairs at his residence, presenting him with the copy of the letter of credence, and also of the address I was to offer to His Majesty, as prescribed by custom. He has held the office for thirty-six years, and appears to be a cautious, conservative, and astute statesman, of kindly manners and disposition. On the 10th of June I received a call from the grand chamberlain, who is a son-in-law of the Shah, who informed me of His Majesty's wish to receive me at 1 p. m. of the 11th instant, immediately after which he was to start on his summer journey to Meshed. The Russian minister was received on the 10th instant. A landau was sent by His Majesty to take me to the palace, drawn by six horses, each mounted by a liveried postilion. Twenty royal feroushes, or foot-runners, clad in scarlet, and wearing plumed tiaras, preceded the carriage, together with a score of horsemen. Accompanied by the mehmandar, Mehmet Taghy Khan, and the second master of ceremonies, I arrived at the gardens of the palace, which are beautified with fountains and shrubbery and foliage arranged artfully wild, after a style peculiarly Persian. We were ushered into a spacious and handsome hall, where the first master of ceremonies and other gentlemen and dignitaries, gorgeously arrayed, were in waiting. Invited to the seat of honor, I was treated to tea and the nargileh, or water-pipe. Soon after the announcement was made that His Majesty was in readiness to receive me.

Descending again to the garden, I was conducted by the first master of ceremonies to the palace itself. At this moment a salute, fired in honor of the United States, thundered over the city. On entering we ascended a magnificent staircase. The walls were decorated in part with paintings by European masters. From the staircase we entered an audience hall of vast proportions and most impressive effect. His majesty stood at the upper end. Leaving my outer shoes at the door, as prescribed by treaty of Kourmantchai, I made a low bow and walked up to where the King was standing. He motioned me to come nearer, and I repeated to him the address, to which he listened attentively, but, although he understands the French language, an interpreter translated what I said. His Majesty replied that it gave him great satisfaction to see an American legation at Teheran, and considered that both countries would benefit by yet further increasing the intercourse and diplomatic relations of the two people. I then presented the letter of credence on a golden salver.

After this ceremony the King inquired whether the United States legation was intended to be permanent or temporary. I replied that there was reason to believe the former to be the case. He then, in the most emphatic manner, desired me to convey to my Government his earnest desire that the United States should always maintain a permanent legation at the capital of Persia. After this His Majesty inquired after the welfare of the President of the United States, accompanying his remarks with some pleasant allusions to the grandeur of our country. Having made some further personal inquiries about my family, the journey, and the like, he gave me my congé.

During the audience His Majesty was standing. His manner was easy, but dignified. * * * His eyes are dark brown, intelligent, searching, but not unkindly. Unlike most Persians, he shaves his face with the exception of a mustache. * * * He appeared, at first sight, to be attired simply, although elegantly, in European costume; but further inspection revealed the fact that the ten large buttons of his frock coat were diamonds fully the size of pigeons' eggs. From the audience with the King I passed at once to the foreign office, where I made a formal call on the secretary of foreign affairs. Thence I proceeded to the war office and paid my respects to His Royal highness the Naib Sultan, who is the minister of war, and one of the sons of the King, a young man of agreeable presence; I thanked him for the military escort, and complimented him on the efficiency of their evolutions. After the usual refreshments I returned to my quarters.

In this connection I have to record that owing to the difficulty of finding houses or hotel accommodations at Teheran, and the fact that my letters on the subject arrived too late for preliminary arrangements to be made, our Government is indebted to the hospitality of the American missionaries for a temporary lodging on arriving at Teheran. Without this we should have been obliged to depend upon the hospitality of His Majesty for several days. He placed a house at the disposal of the legation, a courtesy which, by the means above stated, I was able to decline.

A matter which has been seriously agitated in connection with the exhaustive etiquette of this the most punctilious of courts has been the question of the wearing of a uniform by the United States representative.

It has been a little difficult for our simple costume to be understood as implying all the respect due to the great on occasions of pomp and ceremony. But I have been firm; they have graciously waived their prejudices, and a precedent has been established which will have a wholesome effect. We have certainly gained in their opinion by having the courage to maintain a principle at variance with an otherwise universal usage. Power in the Old World, and in the East especially, is supposed to demand outward expression to command respect. * * *

I have, &c.,

S. G. W. BENJAMIN.

PERU.

No. 443.

Mr. Frelinghuysen to Mr. Partridge.

No. 5.] DEPARTMENT OF STATE,
Washington, June 26, 1882.

SIR: It seems to the President that the time has come when an effort for peace between the South American Republics can be made with some reasonable hope of success. He has accordingly instructed Mr. Logan upon the subject, giving him a large measure of discretion.

This instruction is taken to you by Mr. Logan, who is directed to confer with you before proceeding to Santiago. You are aware that while Mr. Trescot was in Peru he visited Montero, and recognized him as the head of the Republic. It may now be assumed that this act has received the sanction of the Department. It will, therefore, be proper that after conferring with Mr. Logan and taking every possible precaution to prevent the difference between our legations in Chili and in Peru, which have unhappily thwarted the policy and lessened the influence of the United States in the past, you will proceed at an early day to join the only Government in Peru which is now recognized by the United States.

It is understood that the principal difficulty in the way of opening negotiations is the disinclination of the Chilian Government to recognize Montero and his Government. Mr. Logan's first efforts at Santiago will be directed to removing this obstacle and to securing at least such provisional recognition as may be involved in the fact of negotiations. If this shall be found to involve the calling together of a congress by President Montero, Mr. Logan will endeavor to prevent any Chilian opposition to it.

Meanwhile it will be your duty to impress upon President Montero and his advisers the necessity of recognizing these severe results of unsuccessful war.

The interest which the United States takes in the fortunes of Peru, and the great desire which they have to preserve its autonomy and as much of its territory and wealth as is consistent with the reasonable rights and demands of Chili, must not be interpreted into a purpose to stand by Peru in refusing and resisting such demands. You must make that clear. If the voice of the United States could be listened to, the war would be ended by the payment of a money indemnity without sacrificing territory. But the voice of the United States will not be listened to while speaking only such words. Chili will not abandon all the acquisitions that the fortunes of war have given her. Unless Peru consents to negotiate on the basis of a surrender of territory, the United States are powerless to help her.

If Peru consents to negotiate on the basis of a cession of territory, you will acquaint President Montero's Government generally with the fact that Mr. Logan is instructed in that event to secure from Chili the most favorable terms which the moral influence of the United States can obtain.

The form in which the two belligerents will approach each other, if they consent to enter upon negotiations, must necessarily be left much to opportunity and to the judgment of Mr. Logan. You will confer

with him freely as to the feeling of Peru, and he must decide whether he can obtain terms which he is willing to submit to Peru; whether the offer must first come from Peru or from Chili is a point which must be left for his decision. He is authorized to go to Peru at the proper time and confer with you. In approaching the Government of Peru he is directed to avail himself always of your intermediary services.

I inclose for your guidance a copy of the instructions to Mr. Logan, and also a copy of the instructions to Mr. Maney.

In case matters happily proceed so far as to call for serious negotiations, Mr. Maney is instructed to do whatever may be advised by you or Mr. Logan, or both, and to take no steps until so requested.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 444.

Mr. Frelinghuysen to Mr. Partridge.

No. 28.] DEPARTMENT OF STATE.
Washington, February 1, 1883.

SIR: I am in receipt, through the legation at Santiago, of a copy of a proclamation issued by Vice-President Montero on the 25th of November, 1882, which gives notice of a disavowal of the right of Chili to sell the guano and nitrates heretofore pledged to the creditors of Peru, of an intention to contest the sale, and of a determination to cut off those creditors of Peru who have entered into arrangement with the Chilian Government.

A copy of the decree* is herewith inclosed, out of abundant caution, although it is presumed that you are already in possession of its contents, and your attention is particularly called to articles second and third thereof, which provide that creditors of Peru who have agreed or shall agree with Chili for the payment in whole or in part of their claims shall thereby lose all rights which Peru may have granted them, and that the guano exported "in virtue of such contracts shall be judicially followed, and the result applied solely to such creditors as have entered into no agreement with the Chilian Government." It is unnecessary for me to inform you that in the opinion of this Government the rights of creditors of Peru heretofore secured by lien upon the guano and nitrate deposits cannot be canceled at the election of the Peruvian Government. The delicate condition of affairs in Peru, Bolivia, and Chili may make it unwise to take any immediate action on the subject, and at this distance from Arequipa and Santiago I hesitate to give you definite instructions, fearing to embarrass you in the exercise of your discretion, but at such early day as shall seem to you advisable you will acquaint the Peruvian Government that so far as this decree may affect the ultimate rights of citizens of the United States who are creditors of the class described it cannot be accepted as valid or lawful.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

---

* For decree referred to see page 88.

No. 445.

Mr. Frelinghuysen to Mr. Phelps.

No. 6.] DEPARTMENT OF STATE,
Washington, July 26, 1883.

SIR: The study which you have made of the correspondence between this Department and the legations of the United States in Chili, Peru, and Bolivia renders unnecessary a detailed statement of the protracted negotiations seeking to establish peace between those Republics.

The general policy of the United States in regard to the conflict between these states is set forth in instructions No. 2, of December 1, 1881, to Mr. Trescot; No. 2, of March 18, 1882, and No. 41, of March 23, 1883, to Mr. Logan, and No. 5, of June 26, 1882, to Mr. Partridge, and also in the message of the President to Congress, transmitted to that body in December last.

The representatives of this Government, as you have seen from these instructions, were directed harmoniously to join in a courteous and friendly effort to aid the belligerent powers in reaching an agreement for peace, which, while securing to Chili the legitimate results of success, should at the same time not be unduly severe upon Peru and Bolivia.

Mr. Logan, who was accredited to Chili, has for some nine months energetically sought for a satisfactory basis of settlement, but thus far without that success which it was hoped before this time might have been attained. Nevertheless it is believed that his efforts have aided in bringing the parties nearer to an agreement.

Mr. Logan was instructed in my No. 41, of March 23, 1883, that he should suggest the following bases for a treaty of peace to the Chilian Government, viz: The cession to Chili of the Peruvian territory of Tarapacá, and the submission to impartial arbitration of the question whether any additional territory should be ceded, and, if so, how much and on what terms. When this instruction reached Santiago another phase of this question had presented itself in the substantial agreement by Chili with General Iglesias, who had been put forward as the representative of Peru. The full text of this agreement has not been received at the Department, but it is understood that in substance it concedes to Chili the province of Tarapacá, with the occupation for ten years of the province of Tacna and Arica, at the end of which time a plebiscite is to be taken to decide to which of the parties the provinces shall thenceforward belong, the successful power to pay to the other the sum of ten millions of dollars. The other provisions, as to guano and the Peruvian debt, are not yet definitely known.

It will be seen that these terms are more severe upon Peru than those which Chili had before been willing to accord. It was after Señor Calderon declined the terms of settlement offered by Chili through Mr. Logan's meditation that Chili turned to General Iglesias, and, through a representative sent by him, submitted the terms of settlement hereinbefore stated, and which terms have by this time received the signature of General Iglesias.

It is not the province of this Government to adjudge who is or who is not *de jure* the representative of the executive or sovereign power of any nation. International intercourse imposes upon it often the necessity of recognizing some one as at least *de facto* such representative.

Upon the flight of Piérola the Government of Señor Calderon was recognized by the United States as the *de facto* Government of Peru,

springing up necessarily from the state of affairs then existing, and having apparently the support of the majority of the citizens of Peru. Soon after its recognition Señor Calderon was transported to Chili as a prisoner, and since that time has not been in the territory of his native country. Señor Montero, meantime the vice-president, has at various points in the country, and now for some time at Arequipa, represented in Peru the authority of that Government of which he is the second in rank.

It is now claimed that the Government of Calderon-Montero has lost the attributes of a *de facto* government, and it is urged that, not having the support of the people, it is no longer entitled to recognition. The information furnished this Department on the subject, however, is most conflicting, and is naturally colored by the sentiments of the different observers. On the one hand it is said that General Iglesias is supported by fully five-sixths of the population of Peru, that the provinces of the north and center are solidly united in his aid and in approval of his plan of settlement, while on the other hand we are told that Calderon was never so strong as at present, that his own moral influence and the physical force of his followers are impregnable in Arequipa, and that a large majority of his countrymen support and approve his course. It is evident that no peace can be made unless Peru is represented in its negotiation by some one having the support of his fellow-countrymen and whose action will meet with their approval.

In Señor Calderon this Government understood that it recognized such a ruler. As at present advised, it would not hastily withdraw or transfer that recognition. Should the facts be as alleged by the friends of General Iglesias, this Government will not, by adhering to the recognition of Señor Calderon, impede the advance toward an amicable adjustment of the difficulty.

Your first and most delicate duty, therefore, will be, by rendering yourself familiar with the condition, politics, and affairs of Peru, and consulting, if practicable, with your colleagues the ministers to Chili and Bolivia, to report fully to this Department whom it is wise and proper that this Government, having in view the peace and prosperity of the three contending Republics, should recognize as the Executive representative of the sovereignty of Peru.

The confidence which this Department places in your discretion and good judgment and that of your colleagues will render your report on this delicate question influential with this Government in its determination; and should the opinion of the ministers to Chili, Peru, and Bolivia be in harmony, such opinion would be well-nigh conclusive.

As soon as you reach a decision satisfactory to yourself you will report the result without delay to this Government, using, if necessary, the telegraph freely for this purpose; and if in your judgment it becomes important, you may, without in any manner committing yourself as to your final conclusions, report by telegraph the progress of your investigations and their indications.

While greater stress has been given in the instructions of this Department to the relations of Peru and Chili, it must not be assumed that the rights and wishes of Bolivia, a sovereign power and a party to the contest, with rights equal to the other contestants, are to be neglected. It is not supposed that any agreement will be made, nor in fact can any agreement be reached, which shall not receive the assent of that power in all that concerns its interests. As this Government has recognized the equal sovereignty of the three Republics, and will not depart from that position, of course any agreement, so far as it affects the rights of Bolivia, must receive the consent of that power.

Until Chili and Peru had reached a point where a fair prospect of agreement was seen it seemed unnecessary to negotiate at La Paz, particularly as Señor Calderon, it was properly assumed, would not act against the interests of his ally. For these reasons the tentative discussions were carried on at Santiago.

I simply add that it is not for this Government to dictate to sovereign belligerent powers the terms of peace to be accepted by them, nor is it the right or duty of the United States in the premises to do more than to aid by their unprejudiced counsels, their friendly mediation, and their moral support the obtainment of peace—the much-desired end. If such an end can be reached in a manner satisfactory to all parties more speedily through negotiations with Peruvian authority other than that heretofore recognized by this Government as the *de facto* ruler of Peru, this Government will not, through any spirit of pride or pique, stand in the way of the hoped-for result.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 446.

Mr. Frelinghuysen to Mr. Phelps.

No. 8.] DEPARTMENT OF STATE,
Washington, August 25, 1883.

SIR: I transmit herewith for your information a copy of a dispatch* from Mr. Logan, communicating the text of the protocol signed between General Iglesias and the Chilian general Norva leading to a definitive treaty of peace.

An examination of the terms of the protocol shows that the foreign debt of Peru is guaranteed only to a limited extent by a portion only of the guano product, the overplus, as well as all future discoveries of guano, to go to Chili.

This Government does not undertake to speak for any other than the lawful interests of American citizens which may be involved in this settlement, but as to them it must be frankly declared and unmistakably understood that the United States could not look with favor upon any eventual settlement which may disregard such interests.

It may be difficult for you, in concert with your colleagues, to advocate any determinate solution of the embarrassing questions relating to the other foreign debt of Peru, since this Government cannot undertake to advocate the interests of any class of bondholders or other legitimate creditors of Peru without exercising a like watchful consideration for the interests of all. It seems, however, to be essential to a just and lasting peace either that Peru should be left in a condition to meet obligations toward other Governments which were recognized prior to the war or which may be legitimately established, or that if Chili appropriates the natural resources of Peru as compensation for the expenses of the war she should recognize the obligations which rest upon those resources, and take the property with a fair determination to meet all just incumbrances which rest upon it.

The President would see with regret any insistance by Chili upon a

* For dispatch referred to see page 116.

policy which would impose upon Peru heavier burdens than she has been disposed to impose during the past negotiations.

Better terms, if offered, would be appreciated by him as a friendly recognition of the earnestness which this Government has shown in endeavoring to bring about an honorable and equitable end to the painful strife.

A copy hereof is sent to your colleagues, Mr. Logan and Mr. Gibbs, for their information.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 447.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 2.] LEGATION OF THE UNITED STATES,
Lima, September 2, 1883. (Received September 26.)

SIR: It is as difficult to obtain reliable information as to form an opinion respecting the status of affairs generally in this country, and I shall confine myself to relating what appears to be fairly reliable respecting current events.

The Chilians are steadily pursuing the intention of attaining peace through Iglesias, whom they are supporting to that end. The battle of Hanamachuco, as I understand it, was fought solely in his interest. General Cáceres was threatening Cajamarca, and probably expecting to capture Iglesias. A Chilian force, penetrating the interior from the northern posts, intercepted Cáceres and defeated him, the loss upon both sides having been heavy. This result left Iglesias free to organize his movement and to leave the interior for Trujillo, on the coast, where he will, I am informed, prepare for the occupation of Lima, his family having already arrived here.

General Lynch told me that Iglesias could not safely occupy the city with less than 1,500 troops, and that a Chilian force would be disposed in the vicinity to assist should the need arise in maintaining peace.

It is probable the authorities of Chili do not anticipate permanency for a Government so established, but if it can make peace with them, and maintain itself until the troops are embarked, it will have served the purposes of Chili. The commanding general certainly expresses the utmost confidence in the installment of the proposed Government in Lima, and he stated that entire quiet had reigned at Cajamarca and in the north since the departure thence of General Iglesias.

There is a growing feeling here in favor of the Iglesias movement, arising in the sentiment that peace must be made upon any terms that can be obtained. It is admitted that Iglesias is an honest man, is not ambitious of presidential power, that he is really pursuing a patriotic purpose, having left his estates at the north to enter upon a mission that will be, to a greater or less degree, a sacrifice of himself to his country.

Señor Calderon's course in the negotiations with Chili drew to him the sympathy of a large portion of intelligent Peruvians. * * * The following he has is personal, not extending to Montero. General Cáceres, now second vice-president of the Calderon government, is reputed a soldier.

* * * * * * *

Some of the most reputable men, however, are coming to the support of Iglesias, in many instances because it is affirmed that the authorities of Chili refuse absolutely to treat with the Calderon government at Arequipa.

A Chilian force of some 4,000 men is moving directly from this city back into the interior, as is surmised, to cut off any attempts at operations by Montero, or otherwise, undertaken with a view to interference with the organization by Iglesias of local governments where his supporters are able to move.

It will thus be seen that the power of the Chilians is so great here that they will not only succeed in establishing Iglesias, but that the desperate necessity for peace will give him, it is probable, supporters enough to form a Government at least as constitutional in character as was either that of Piérola or of Calderon. It is also understood that a committee left here yesterday for Arequipa, for the purpose of urging upon Montero to unite with Iglesias in the selection of some third party to be placed in power, to make a treaty of peace, or should the Chilians, having gone so far with Iglesias, refuse to treat with any other person, then to unite with him to secure a peace.

Montero has some 4,000 well-armed troops at Arequipa, and would be a most dangerous person if refusing to take part in or to recognize a peace made without his participation.

I have been well received by the Chilian authorities here, and am told by the officers of our squadron at Callao that improved relations exist between them and the officials of Chili, both ashore and afloat.

Mr. Gibbs is not yet entirely re-established in health, and I have encouraged him in remaining here until he shall be really fit to encounter the rigors of a La Paz winter, and meanwhile am quite sure he is doing good service here and obtaining information that will be of value in Bolivia.

* * * * * * *

I have, &c.,

S. L. PHELPS.

No. 448.

Mr. Phelps to Mr. Frelinghuysen.

No. 4.] LEGATION OF THE UNITED STATES,
Lima, September 13, 1883. (Received October 6.)

SIR: The northern departments of Peru have not been as quiet as they were reported to be by the general-in-chief at the sailing of the last mail steamer north. Partisans of Iglesias and of Montero have had unimportant engagements, the advantage resting rather with the latter, and Chilian detachments have now been sent to the disturbed districts.

While the country is in this distracted and pitiable condition of purposeless internecine strife, there seems no reason to doubt that Iglesias is making and will make progress so long as Chili continues its energetic and effective support; and as information is gained respecting the condition of Peru generally, the thought presses upon me that no government could be established to make peace except such one as the power of Chili may impose for that purpose, and that it matters little how one may be created, it will succumb, as soon as the Chilians withdraw, to the spirit of anarchy pervading the country.

Mr. Gibbs will stop at Arequipa long enough to inform himself of the situation there. As a traveler *en route* he may be there with less embarrassment than I should necessarily feel.

As now advised, I see no reason to regard the government of Montero as offering guarantees entitling it to present recognition. That there is dissatisfaction at Arequipa itself is manifest, and revolution is quite in order there now. Lima and adjacent towns are very quiet and well policed under Chilian rule.

I have, &c.,

S. L. PHELPS.

No. 449.

Mr. Phelps to Mr. Frelinghuysen.

No. 5.] LEGATION OF THE UNITED STATES,
Lima, September 23, 1883. (Received October 16.)

SIR: In various ways efforts are being made to bring the United States to the recognition of General Iglesias on his coming from Truxillo to Lima, these efforts originating in Chili. Our newspapers, and those published here, are furnished with cablegrams, that they may appear in print to encourage the friends of the Chilian programme with assurances of the favor the United States will show General Iglesias as President of Peru from the time he enters this city. Mr. Lavalle, named by Iglesias as minister of foreign affairs, spoke lately with confidence that such would be the course of our Government, and was surprised to hear it questioned.

The arrival here, under the safeguard and protection of Chili, of a self-constituted leader, with a so-called cabinet, not in office by any procedure recognized by the nation, having already established doubtful prefectures in some departments and collected 1,500 or 2,000 armed men, measures taken and accomplished for the most part immediately under the direction and force of Chilian arms, would hardly be held to clothe that individual with national authority or with a representative character. He would be wanting even in the semblance of an election such as Mr. Calderon enjoyed at the hands of a quorum of an already expired Congress.

As illustrating the measures adopted in support of Iglesias, I refer to the inclosed copy of a letter from Vice-Consul Lapoint, giving an account of the Chilian commander's action at Chiclayo, and also to a copy of the Chilian version, not materially differing from the consul's statement.

General Lynch has found it necessary to re-enforce his men in the north, where, as in other sections, rapine and robberies, carried on in pretended support of one or the other of the factions, have become notorious.

Notwithstanding, I am persuaded that in the end Iglesias will enter Lima, will assemble a convention which, at least in number, will have a quorum, in some degree will be representative in character, and that this convention (or congress) will elect a President. The government so established may in due time be recognized with reasonable propriety; but it would be highly imaginary to anticipate an existence for it beyond the departure of the Chilians.

A number of months must elapse before the measures necessary to secure this result can be accomplished, and meanwhile many changes of popular sentiment may intervene and any circumstance may give a new turn to the course of action of the more cultivated people, just as now it is apparent that a check has befallen the tide of sentiment that seemed to be setting in Iglesias' favor.

This tide may set in again at any moment. Then, too, should the mission to Arequipa, which I reported as having left here, result favorably, it might greatly hasten the creation of a government to make peace, as also might the capture of Arequipa by the Chilians, an event quite probable.

I hear of one public man now prominent who appears to be actuated by patriotic motives, that man being Iglesias, and a certain sympathy must be felt with and for him. But, apart from any sentiment of that kind, I am persuaded that Chili, to make peace, must insist upon its proposed government, since the Peruvians do not appear capable themselves of creating one. And yet nearly all thinking Peruvians and many resident foreigners believe that it is not the purpose of Chili to make peace, but rather to justify permanent occupation, through a *demonstrated* inability to find or to create a government with which to negotiate one, and what I should consider a worse fate is more than likely to befall the country. There certainly exist grounds for such doubts, and perhaps nothing is regarded as more conclusive proof than the toleration by Chili of Montero at Arequipa. But, on the other hand, the apparent anxiety of Chili to establish the Iglesias government and to secure its prompt recognition by the United States would indicate an earnest desire for peace. The battle of Huamachuco, fought to save Iglesias, cost Chili many lives, but it swept away what claim the Montero government had for recognition.

The present movement of a large force over the mountains in the direction of Ayacucho can be viewed only as a support to Iglesias in the central departments, and as such it becomes a well-considered and powerful demonstration, while it is probable the final purpose is to send this force on to Arequipa, another column to be pushed towards the same place from Tacna, upon the opposite side.

The annihilation of what remains of the Montero government would doubtless quicken the acceptance by Peru of the bitter burdens imposed by her implacable enemy. Of the conditions none appears more galling than the government being forced upon the country.

In conversations with my colleagues I find few decided anticipations of a prompt peace. The German minister frankly told me his instructions respecting the recognition of a government were to follow the lead of the United States. The French minister as well as the Spanish concur in the views expressed herein.

The former has instructions similar to mine respecting the protocol signed by Iglesias. The Brazilian representative alone takes active part as a supporter of the Iglesias movement. The other missions, except that of Salvador, are filled just now by persons in temporary charge.

I have, &c.,

S. L. PHELPS.

[Inclosure in No. 5.]

Mr. Lapoint to Mr. Phelps.

No. 137.] VICE-CONSULATE OF THE UNITED STATES
FOR THE DISTRICT OF LAMBAYEQUE,
Chiclayo, September 11, 1883.

SIR: Referring to my dispatch No. 131, of September 4, 1883, I to-day have the honor to communicate to you what since then has occurred in this district.

On the 5th September the Chilian war-ship Amazon arrived in the port of Eten, and immediately commenced to land troops. On the 6th, in the morning, about 150 men of the battalion Concepcion arrived in Chiclayo, and in the evening of the same day another force arrived, forming in all 600 to 700 men, with a few pieces of artillery. On the 8th the commander, Gonzales, called a meeting of the principal citizens and requested them to sign a document in favor of the cause of General Iglesias. Some of the gentlemen present expressed their opinion against this, and in consequence the whole meeting, composed of about seventy persons were placed under arrest, and ordered to pay fifty thousand soles silver ($50,000) and supply 100 saddled horses within forty-eight hours, in punishment for not signing the documents referred to. In case of non-compliance severe measures would be taken. What these measures are or will be I have been unable to ascertain, and only time will show. On Wednesday the term is up, and on Saturday next I shall communicate to you what may have happened till then. It is my opinion that the horses may be got together, but I think it utterly impossible to collect the $50,000 silver, principally as this department has already suffered so severely during former occupations.

During the absence of the Chilian forces, since the 26th July, the people of this town have behaved admirably, and have done everything not to compromise themselves.

The order was never disturbed, and when on the 28th of July the forces of General Iglesias arrived people quietly submitted to the new rule, so that the measures taken now by the Chilians appear to me to be very cruel.

I remain, &c.,

ALFRED LAPOINT,
Vice-Consul.

[Translation of paragraph of an article from the newspaper La Tribuna of September 17, 1883.]

Such being the state of affairs, it came to the knowledge of Commander Gonzales, chief of the forces for the restoration of peace, that Chiclayo and Lambayeque were about to be sacked, and that there were neutral interests there that demanded his protection. He thereupon reoccupied Chiclayo, assembled the *gamonales* and the principal instigators of the anarchy in which they want to keep the place, and of whom there met seventy-two, and asked them where were the constituted authorities? They replied that in San Pedro. Why? Because the *montaneros* had driven them away. And the urban guard, and you, why did you not defend them? Because you do not desire peace, and therefore jeopardize so much valuable property. To this Drs. Chacaltana, Arbulu, and Iagle replied that they were desirous of peace, but with Dr. Garcia Calderon.

Commander Gonzales thereupon ordered the imprisonment of those gentlemen, and moreover levied a contribution of 50,000 silver soles and 200 rifles, payable in twenty-four hours, under threat of suffering the penalties in consequence of their disobedience. You can hardly imagine the chagrin of the seventy-two as they left, and, immediately reassembling, they drew out the record of adhesion and submission to General Iglesias.

No. 450.

Mr. Phelps to Mr. Frelinghuysen.

No. 6.] LEGATION OF THE UNITED STATES,
Lima, September 21, 1883. (Received October 16.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 8, with the inclosed copy of Mr. Logan's note concerning the terms of the proposed treaty of peace as negotiated between Mr. Novoa and General Iglesias.

The importance of the subject-matter of this dispatch is fully recognized, and I shall give it the most earnest and careful attention.

I have, &c.,

S. L. PHELPS.

No. 451.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 9.] LEGATION OF THE UNITED STATES,
Lima, October 3, 1883. (Received October 27.)

SIR: It seems probable that General Iglesias will reach here by or before the end of this month, the coming from Chili of Mr. Aldunate, with full powers, having quickened the march of events so far as they are dependent upon the Chilians, and that the recognition of Iglesias by nations represented here will be proposed and, at the least expected. I desire to ask instructions and may find it necessary to cable you, but in that event trust this letter will have reached you, as it should be in Washington by the 24th instant.

With this purpose in view I will endeavor to place before you a statement of the present condition of affairs, and in the same connection invite your attention to the inclosed memorandum of a private conversation with Mr. Aldunate.

Preparations are being made for the evacuation of Lima so soon as the delegate of General Iglesias shall have succeeded in organizing a force of 1,000 men at Ancon, a place upon the sea-coast a few miles north of this city, which has been declared neutral for the purpose. When these men are armed and ready the Chilians will evacuate the city, moving out to Barranca, Chorillos and other neighboring places, and relinquishing the capital to this Peruvian force.

Meanwhile preparations are so far advanced for the movement upon Arequipa that the division to proceed hence by sea to disembark near Mollendo will leave Callao to-day. The total force is to consist of about 9,000 men, moving in three columns, but it is not anticipated that a battle will be necessary, nor is it the purpose to push the movement to that extremity unless the attitude of Montero should make an attack inevitable.

Should Bolivia be disposed, however, to support Montero by sending troops to Arequipa, with which place there is railway communication from Lake Titicaca, the situation would become grave; but such action is not thought probable. There are stories of arms and munitions of war reaching Montero through Bolivia and by way of the Argentine Republic.

The force I have before reported as moving over the Andes upon Ayacucho had arrived in that city. A small force under Cáceres is reported to have disbanded on the approach of the Chilians, and the march on towards Cuzco can apparently be continued without molestation by a regularly armed Peruvian force.

The delegate sent by Montero ostensibly to treat with Iglesias will arrive here to witness the energetic preparations for an attack upon Arequipa, and it is presumed the people of that city, learning of this, will revolt, should Montero make it necessary, the feeling there undoubtedly being much in favor of peace, while much discontent is reported on account of Montero's conduct.

In the department of Junin the people recently rose upon the leaders of a small force, operating ostensibly, and so recognized by the Chilians, in favor of Iglesias, driving them out of the department, the people declaring they did this because the robberies and outrages committed had become insupportable; that they had desired peace and were willing to sustain General Iglesias in his endeavors to secure it; but they had been robbed by Cáceres and other of Montero's chiefs, then by the enemy, and were now being despoiled of what remained to them in the name of Iglesias.

It is understood that Mr. Aldunate has had frequent interviews with leading citizens here, and he himself informed me that he is much encouraged, while it appears that the peace movement is gaining ground elsewhere.

The Peruvians have been exceedingly slow to learn the lessons of the war or to recognize that they must submit to its results. A change in this respect is apparent, and Mr. Iglesias is likely to come, with a fair proportion of the intelligent people in favor of his movement, but his status will be peculiar and embarrassing. In some towns circular declarations have been signed in favor of the regenerator President, as Peruvian supporters style him. The northern departments generally have apparently submitted to his assumption of governmental powers, but he has there had the Chilian power to support him, making it very doubtful how far the people would have been with him, or how far they would submit to prefects of his appointment, were there no troopsof the enemy near at hand.

Bands of Montoneros still operate in that section. These are unimportant in number and may be set down as engaged in plunder.

The Indian (Inca) population of the interior are firm adherents of Piérola, who styled himself not only dictator, but also protector of the Indians. His partisans support General Iglesias. I infer that the Indians, in number forming the majority of population, so far as their very low degree of intelligence admits, are to be classed as adherents also; at least they have been plundered by Cáceres and by Chilians, and can hardly be counted as friends of either. There are many Peruvians who still insist that Chili has no real purpose of making peace; that this determination in favor of Iglesias is only a move to further distract the country and make peace impossible. Many declare an unyielding opposition to a Government thrust upon them by their enemy, and which, so long as it can maintain itself, will be under Chilian domination. Some very old and much esteemed men, as General Echunque, ex-President, and for half a century a leading man of the nation, Dr. Arenas, for many years a noted lawyer and man of public affairs, and others, have visited me, expressing their support of the peace movement.

Besides furnishing arms, &c., to General Iglesias, I am satisfied that Chili is supplying money, but it is likely this is derived from customs and other dues collected by her officers in Peru. Mr. Aldunate told me, "Iglesias would have plenty of money to come with."

The situation of Peru itself is that of a state without credit, without arms, and without resources. * * * The entire force of the enemy in the country does not exceed 18,000 men of all arms, a force so small that the weight of numbers, armed only with *machetas*, would overwhelm it were the Peruvians united and determined, but they are sadly divided, while anarchy and lawlessness has possession over large areas of country.

Under such circumstances, what would be considered sufficient evi-

dence that General Iglesias is so far supported by intelligent Peruvians as to entitle him on taking possession here to the recognition of the United States?

The Chilian authorities will recognize him as the provisional President, and it is expected he will take measures to convene a constituent assembly elected to make peace and establish a Government. A general holding of elections in conformity with this invitation would constitute a direct recognition by the people. It is not improbable that by the time he has reached here there may be evidence that most of the towns have in some manner recognized his authority.

For example, the people of Moquequa pronounced for him when a Chilian force passed beyond their city toward Arequipa. Yet, there the enemy may have exerted *pressure*. It is expected the citizens of Arequipa will drive out Montero's adherents, and Cuzco and other towns in the southern and central departments will follow with measures evincing recognition of the general in his efforts for peace.

It is my conviction that, being unable to make war, the only assured way to peace for Peru is by support of Iglesias. As before stated, it is apparent to me the Peruvians, if left free to elect, could not organize a Government for that purpose. Their party antagonisms and personal feuds are too bitter. Peace is the first necessity for them. Under existing conditions, the country is going from bad to worse; it is being utterly destroyed in its industries as well as in its ability to pursue or to protect the ordinary vocations of peace. I feel that what support can be properly given to General Iglesias should be rendered, but I am greatly embarrassed in the expression of an opinion as to how far the United States should go in recognizing him. In the ordinary civil broils of the country it has been the custom to recognize any actual occupant of the palace towhom the people of Lima submit, without too close an inquiry as to how the Presidential chair had been reached. In this instance General Iglesias could not have sustained his undertaking any time had it not been for the military support of the Chilians, and but for their protection it is probable Cáceres would have shot him months ago. He is to-day largely sustained by the same power, and will come here because of that support. So far as I hear, he would have been far from the choice of the larger part of the people had there been an opportunity for an election, and this while his integrity of purpose is very generally admitted. Many, however, criticise severely the leaders who are with him.

But two forms of recognition by the people appear to be practicable now—one by declaration of towns in favor, made by signature of leading citizens, or by putting Iglesias men in office; and the other, by an election of an assembly and the choice by that body of Iglesias as the Executive. While it is hardly in accord with Peruvian methods for men in power to do so, it is said to be his intention to resign all power on the assembling of the convention.

The telegraph can therefore be readily used, if necessary, to convey to me your instructions.

I told Mr. Aldunate five days ago that I could not advise the recognition of General Iglesias from what was then known of the circumstances under which he would probably reach here, but that great changes would be imminent at all times now. In the few days since elapsed I have had occasion to verify this statement.

I have, &c.,

S. L. PHELPS.

P. S.—Since writing the above a newspaper editor states that Iglesias will reach here on the 15th instant, and gives it as official. The general is to land at Ancon.

[Inclosure in No. 9.]

[Minutes of a late informal convention held with Mr. Luis Aldunate, minister of foreign affairs in Chili.]

Mr. Aldunate stated that he had come up from Chili to Lima for the purpose of hastening the formation of Government with which to make peace; that he intended to hurry the arrival of General Iglesias in Lima; that Montero at Arequipa would be at once an object of attack; that the column of troops now pushing on the way hence to Ayacucho would proceed towards Arequipa; that a column moving from Tacna had already passed through Moquequa, and was camped at a point about 30 leagues from Arequipa; that another column would advance from a small port near Mollendo, the troops being sent by sea hence, and thence to march in conjunction with the other columns; that this attack was considered necessary, because so long as any force remained under arms the Peruvians had something on which to found hopes; that they were slow to accept the lessons of the war and needed to be convinced of the necessity of making peace. He said that Chili had furnished General Iglesias with 1,500 stand of arms for the troops he was raising, and that he would endeavor to come here with 2,000 men.

I said to him that my judgment, viewing the matter from their side, fully approved of the course Chili was adopting in pressing Mr. Iglesias's government upon the country; that I thought it the only course promising peace, and that the Peruvians, in my judgment, were not capable of creating a Government to make peace; that the reputation of Iglesias was evidently good in the country in contrast to that of most of the public men, and that I sympathized with his movement, but at the same time saw that there were many serious difficulties to be overcome; that the people have not so far accepted Iglesias very generally, at least not by any evidence which could be considered satisfactory.

Mr. Aldunate said that Chili was determined to crush out Montero, bring Mr. Iglesias here, let him call a constituent assembly, and make peace if possible; if not, then let the country beware of the consequences.

I said to him that there was a matter to which I desired to call his attention, as upon the decision would depend much of my ability to assist the ends which Chili proposed, and that I did so because I felt that the removal of the objection I should indicate would be of great advantage, as it would bring to the support of General Iglesias many Peruvians who now regard that feature as leaving no hope for the country. I then read to him the letter of the Department of August 25, relating to the third article of the treaty protocol signed by Iglesias. I said at the proper time this protest will be made, and in my judgment Chili could offer no reasonable and valid objection to the position taken by the United States. Moreover, that I knew the French minister has similar instructions, and no doubt the English representative when he returns may also receive like instructions. It seemed to me that it would be wise for Chili to recede from a false step as of her own volition, and not await protest of any nation against her exactions, especially so as the effect of such action in Peru would be to rally Peruvians to the support of the programme of Chili for peace, and make the other hard feature of the treaty appear less onerous. I suggested submission of the question of the proportion of debt that should fairly go with Tarapacá to arbitration. He argued that Chili had better relinquish all question of indemnification from war expenses rather than undertake to pay the debts of Peru, and that as Peru was paying nothing on the debt when the war broke out, the bondholders were better off with the receipts of half the net returns of one million tons of guano secured to them by Chili than they were before. I replied that whatever might be said *pro* and *con* would be taken into consideration by the arbiter. Then I said the clause relative to all future discoveries of guano violates a condition of the mortgage, as I understand that the entire guano deposits of Peru, discovered or not discovered, were pledged. Mr. Aldunate said that what had not been discovered could not be pledged.

I replied that as all deposits of this kind were the property of the Government, it certainly could pledge as security whatever its possessions might be; that in the nature of things the pledge was indefinite as to amount. He asked for a copy of that part of the letter setting forth especially the obligation regarded as resting on Chili in its treatment of Peru, being the three last paragraphs of the letter.

In further conversation about the coming of Iglesias to Lima, I stated that in my judgment when Mr. Iglesias should come here and issue an invitation to the country to elect delegates to a national constituent assembly convened for the purpose of

making peace and of establishing a government, Chili having recognized Iglesias on his coming here as the provisional President, the forces of Montero at Arequipa would revolt or disperse; that Montero would escape into Bolivia, and Arequipa would then send delegates to the convention, thus evading further bloodshed and suffering from war.

He promptly asked, would the United States recognize Iglesias on his coming to Lima? I as promptly said, not until there had been proof that the country accepts him as its representative. He said, "There are foreign ministers prepared to acknowledge him on his entry, and the United States not doing so would lose its prestige in South America." I replied, "So let it be"; for, in my opinion, the first necessity is that the country should evince its readiness to accept the pretensions of Iglesias; that what would constitute such proof I could not now indicate; that a people so changeable and impressionable were liable to shift position suddenly and to run off into enthusiasm where indifference or opposition before existed.

The next day Mr. Aldunate informed me that he could not say what would be the decision of Chili in respect of the objectionable clauses in the protocol, and that it would doubtless be submitted by Mr. Logan in Santiago.

I shall at our next interview, not caring to do anything official in reference to it at present, simply say that when the treaty shall come up for discussion in the proposed assembly I shall present the protest of the United States to the third article.

I may add that Mr. Aldunate was evidently greatly disappointed to learn that I thought there would be hesitation in recognizing Mr. Iglesias until the country had shown its disposition to do so by electing delegates in response to his call.

In a later interview Mr. Aldunate told me that he had on that very day written a lengthy communication to his Government concerning the matter brought as above to his attention.

No. 452.

Mr. Phelps to Mr. Frelinghuysen.

No. 11.] LEGATION OF THE UNITED STATES,
Lima, October 4, 1883. (Received October 27.)

SIR: An order appeared yesterday announcing that Lima would be evacuated on the 20th instant, and Callao, with its custom-house, on the 21st, the Chilians surrendering the two cities to General Iglesias and retiring to neighboring localities.

Very respectfully, &c.,

S. L. PHELPS.

No. 453.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 14.] LEGATION OF THE UNITED STATES,
Lima, October 13, 1883. (Received November 17.)

SIR: From trustworthy foreigners coming last week from Trujillo I have received information independent of Chilian sources.

The point of most consequence, and in which all concur, is that Iglesias has no real party support in the north, and that the sentiment in Trujillo itself is decidedly against him. The explanation of this in part is the absence of prestige, and that those who prior to the war were not being supported by the Government, for here was the curious spectacle of a Government supporting its people largely, not the people the Government, and those not governed by fears for property, do not so much desire peace as to forget the character of Chili's demands, which are con-

sidered intolerable. Many of opposing parties who submit to a call by him of a constituent assembly hold themselves in readiness for war upon him. I note that those most likely to be objects of special distrust on Mr. Iglesias coming are leaving Lima.

Mr. Gibbs reached Arequipa on the 27th ultimo and left on the 5th instant for La Paz. He had interviews with Government officials and others, and Montero breakfasted with him. He declared his intention to fight the Chilian force proceeding against him, and stated that General Cáceres has a better force than he had before the battle of Humachuco.

The masses in Arequipa are tired of the war and want peace. They are hopeless, Mr. Gibbs says, respecting the future, and, in his judgment, great harm would arise unless the people of Arequipa get rid of Montero.

Bolivia has rather gained than suffered by the war, and Mr. Gibbs anticipates, from what was said, that should Iglesias, who is regarded as an enemy of Bolivia, succeed in making the proposed treaty, those who are allies now will take advantage of the defenseless condition in which Peru will be left, and will seize Arequipa and Mollendo, with the railroad from Puno, on Lake Titicaca, thus securing an outlet independent of Chilian territory.

He was informed that Bolivian troops were marching to the aid of Arequipa, and Peruvians here believe the story. I hardly credit it, nor do I think Montero will bring matters to the issue of a battle.

A steamer, chartered for six days, left yesterday to bring General Iglesias and followers to Ancon. Men are being impressed for military service by agents of the coming government, their operations being carried on under the Chilian flag. Doubtless such recruits will be favorable guardians, but, like those of Arequipa, must be locked up at night.

The appointed alcalde of this city cannot have much faith, as he desired to have the "*guardia urbana*" called out for the public safety. This guard is formed of organizations of foreigners, designed for self defense and protection, and can only rightfully use their arms when all native authority has failed in power to prevent pillage and outrages. It saved Lima when left without a government after the battle of Miraflores, and, in fact, surrendered the city to the Chilians.

The urgent haste to get Mr. Iglesias here will not probably much hasten peace. In any event, several months will be required to elect and bring together the delegates to the convention, and, in the disturbed condition of the interior, it may be anticipated some delegates will never reach Lima.

While I think the Chilians will succeed in establishing Iglesias for their purposes, there are very intelligent people, foreigners and others, who maintain that the effort will prove an entire failure. I cannot think so. While Chili insists upon the conditions contained in the Iglesias peace protocol, I can see no other way to peace except through him. But I think Mr. Aldunate does not quite appreciate the difficulties in the way.

There is an evident sullen discontent amongst a large and dangerous class, and to-day there is great apprehension and excitement in both Lima and Callao because of the coming evacuation of the cities by the Chilian forces and the defenseless condition in which they are likely to be left. It is difficult to see how the Chilians are to assist Peruvian soldiers in putting down an uprising in the cities while a state of war exists between the two nations.

I have, &c.,

S. L. PHELPS.

No. 454.

Mr. Phelps to Mr. Frelinghuysen.

[Telegram.]

LEGATION OF THE UNITED STATES,
Lima, October 21, 1883.

Treaty has been signed. Chili has recognized Iglesias as President through her minister for foreign affairs.

PHELPS.

No. 455.

Mr. Phelps to Mr. Frelinghuysen.

No. 18.] LEGATION OF THE UNITED STATES,
Lima, October 23, 1883. (Received November 17.)

SIR: I have the honor to inclose a copy of a letter from Mr. Novoa, informing me of the signature of a treaty of peace and of the evacuation of Lima, which took place this morning.

Iglesias has arrived in Lima this afternoon and is at the palace.

Peruvian flags are out, but there is no spirit and no enthusiasm.

I am, &c.,

S. L. PHELPS.

[Inclosure in No. 18.—Translation.]

Mr. Novoa to Mr. Phelps.

LIME, *October* 22, 1883.

On the 20th instant, at 10 o'clock p. m., I signed, in the name of the Government of Chili, the treaty of peace with Peru, it being signed in behalf of this Republic by Messrs. José Antonio de Lavalle and Mariano Castro Zaldivar, the former being minister of foreign relations, and both of them being plenipotentiaries *ad hoc* appointed by the government of his Excellency General Miguel Iglesias.

In pursuance of one of the articles of a protocol signed on the same day the army of Chili withdraws to the cantons of Chorrillos, Barranco, and elsewhere.

The undersigned will for the present establish his residence at Chorrillos, where he will be pleased to receive your excellency's orders.

The undersigned has the honor, &c.,

JORINO NOVOA.

No. 456.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 20.] LEGATION OF THE UNITED STATES,
Lima, October 23, 1883. (Received November 17.)

SIR: * * * Since the coming of Mr. Iglesias was an assured event I have occupied myself a good deal with the question of his recognition, anticipating that I might be called to express a definite opinion To-day I have given one adverse to the present recognition. To the present moment there has been no free action in the various cities and provinces on the part of Peruvians.

Where citizens, after the departure of Chilian troops, have driven out

it would not seem to comport with dignity to recognize Iglesias.

It has been urged that our prestige is to be affected injuriously by ha tardiness. To my apprehension it would suffer greatly more by ha The circumstances of the past years had as regards ourselves w seem to require greater care now.

Up to the present Mr. Iglesais has been wholly in Chilian control protection. The enemy who supported him in the north is being w drawn and massed in the south, to make war in that section upon an men of the nation who are opposed to Iglesais. Is he, then, re President of Peru?

My sympathy is entirely with him, and it would please me to think ferently of his position, as recognition by the United States wo assist him. I do not doubt he will be successful, and I may be able report favorably within very few days. Should Montero not fight, effect would be greatly favorable to this Government.

I have, &c.,

S. L. PHELPS

No. 457.

Mr. Phelps to Mr. Frelinghuysen.

No. 21.] LEGATION OF THE UNITED STATES,
Lima, October 24, 1883. (Received November 17.)

SIR: Mr. Iglesias came in yesterday afternoon from Ancon. The c was gay with bunting, householders being required to display flags.

A large crowd assembled to see the arrival, and the event upon t whole may be considered favorable.

I have not yet received the copy of the principal articles of the trea of peace. It has been promised since Monday by a friend of M Iglesias, and some difficulty apparently attends procuring it.

I have, &c.,

S. L. PHELPS.

J. A. de Lavalle, appointed minister of foreign relations, in which he gives a history of the circumstances attending the establishment of the Iglesias government, and invites recognition.

To this note I replied as per copy inclosed herewith.

I have, &c.,

S. L. PHELPS.

[Inclosure 1 in No. 25.—Translation.]

Mr. De Lavalle to Mr. Phelps.

DEPARTMENT OF FOREIGN RELATIONS,
Lima, October 23, 1883.

SIR: The events of which Peru has been the theater since the 5th April, 1879, until the 15th January, 1881, are well known to your excellency, and form a painful subject for the undersigned. Her armies defeated, not without luster to her arms, her naval forces annihilated, with honor, however, to her flag, there followed upon her military disaster another one almost as fatal for a country as is the ruin consequent upon war—that is to say, anarchy and complete political and social disorder.

After fruitless endeavors to organize a government that would grapple with so complex a situation, and accept resolutely those conditions of peace the conqueror might impose, securing, however, the most favorable terms attainable, a disinterested citizen, and at the same time a worthy soldier, determined to state the truth to his country, and to direct it in the only path that might lead to the re-establishment of internal order, while finding means for bringing about external peace.

With a civil courage not inferior to that which he displayed as a soldier in defense of his country, his excellency, General Iglesias, inaugurated a provisional government in the city of Cajamarca in the commencement of the month of September, 1882, the programme for which was resolutely and decisively to attain peace with Chili. Received by some with surprise, with indignation by others, and with disdain by the greater part, it was, however, an opinion which commended itself to the intelligence of the people, who perceived instinctively that in its realization depended their salvation and future happiness.

The successive converts to this idea very soon enabled an assembly to meet in that city, which certainly, if it did not represent the whole of Peru, did at least represent no inconsiderable portion of it. Before this assembly General Iglesias resigned the power he had assumed, solely with the intention of providing the people an opportunity to express freely their opinion, and from it he received the investiture of provisional President of the Republic, and sufficient authority to negotiate a peace with Chili, and to reorganize the country until, once at peace and with order restored, a general assembly might be elected that would genuinely express the country's desires and satisfy its necessities.

Disdaining all efforts to secure adherents not necessary to attain the original object of his government, he dedicated to the purpose his utmost endeavors, with the conviction that in obtaining his object he would be certain to secure the general adhesion of the country, long tired of a struggle as sanguinary as hopeless from the entire want of means to continue it.

He was not mistaken in his ideas, since during the lengthy and tedious negotiation through which his confidential agents, amongst whom the undersigned had the honor to be included, had agreed upon the fundamental basis of a treaty that should put an end to the war, successive and spontaneous adherents appearing in all those towns of the Republic in which existing conditions permitted free expression of opinions came to strengthen his government and to extend the sphere of his authority.

The seat of government having been transferred to the city of Trujillo, General Iglesias there assumed the necessary forms to establish it on a regular footing, placing himself in a situation to obtain from friendly and neutral powers, as well as from the belligerent, its recognition as the national Government of Peru.

He abstained, nevertheless, most prudently from asking the first until he had obtained the second, and until a treaty of peace would allow him to do so under such conditions that there could be no doubt of this recognition nor motive for hesitation on the part of the representatives of such powers.

The elevated principles of General Iglesias, the loyalty of his proceedings, won for him the respect and confidence of the conqueror, while the unmistakable manifestations of public opinion throughout the whole of Peru invested him with sufficient authority to treat in its name.

In consequence of the events already referred to, he transferred his residence to the town of Ancon, to be nearer the terminus of his patriotic journey, and there, on

the 18th instant, was solemnly recognized by the representative and other authorities of the Chilian Government. On the 20th their plenipotentiaries signed in that place a treaty of peace and friendship between both Republics, the basis of which, previously discussed and agreed to in long and frank discussions, have at last put an end to the long and distressing struggle in which, in a fatal moment, they found themselves engaged.

The several towns and territories occupied by the Chilian forces being delivered over to his authority, and accepted by those that were not dominated nor oppressed by opposing factions, he has to-day taken possession of the capital of the Republic, and there established his seat of government, of which the undersigned has the honor to be a member as minister of state for the department of foreign relations.

It is my first and most grateful duty, under these circumstances, to communicate it to his excellency the minister plenipotentiary of the United States, and to state that the feeling which animates my Government in relation to the people and Government of the American Union is to cultivate, by all obtainable means and with particular care, those cordial relations which have always existed between the people and Governments of both nations, the more necessary to-day, as Peru has to repair, by the inauguration of peace and order, the injuries and disasters war always brings in its train.

The undersigned has, &c.,

J. A. DE LAVALLE.

[Inclosure 2 in No. 25.]

Mr. Phelps to Mr. Lavalle.

LEGATION OF THE UNITED STATES,
Lima, Peru, October 27, 1883.

SIR: I have the honor to acknowledge receipt of your excellency's highly interesting communication, dated the 23d instant, in which you inform me of the attending circumstances and of the fact of the establishment in Lima of the Government of General Iglesias.

This communication I have had the pleasure to refer to my Government. I beg your excellency will allow me to express the interest with which I have witnessed the course of events in Peru, and the gratification it will afford me to see the country united in measures to restore peace and good government, and to give security to the industries of the nation.

I avail, &c.,

S. L. PHELPS.

No. 459.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 32.] LEGATION OF THE UNITED STATES,
Lima, November 13, 1883. (Received December 7.)

SIR: Lima, since my last report, has been very quiet. In the north Montoneros have given trouble, and it is even reported have driven the Iglesias officials from Cajamarca.

It is probable the news from Arequipa will practically end that species of warfare.

In the central departments the Indians have inaugurated a war on the whites, and have killed many, and sacked haciendas and towns. These inoffensive people, when aroused, are valiant, attacking armed troops with pikes, clubs, and like weapons. General Iglesias is without arms sufficient to create a force needed to quell this new source of danger, but the clergy and curates, who are influential with that class of the population, are earnestly engaged in efforts to prevent the exten-

sion of the evil and to suppress it, and are said to be meeting with some success.

Arequipa, Mollendo, and Puno are occupied by Chilian troops, and will remain in occupation, as a menace to Bolivia, during negotiations with that state by Chili.

Prefects appointed to the departments of Arequipa, Puno, and Cuzco cannot enter upon their duties at present, and, indeed, Cuzco has not been heard from yet.

A Chilian force is near the city, and it is quite likely a declaration in favor of Iglesias will follow the entrance of that force into the town. Apart from that being the usual result of Chilian visits, the people there are supposed to be in favor of peace and to have been unfavorable to Montero.

Whenever the populous department shall have declared for Iglesias, Puno and Arequipa already having done so, and submits to the control of officials of his appointment, I think his government may be regarded fairly as the *de facto* Government of Peru.

In fact there is no pretense of any other. General Cáceres' wife applied for and obtained a safeguard for him to come to Lima, but telegrams from Arequipa represent him as disposed to continue the war. As he has only 500 men, and has no part of the late government of Montero with him, he can lay no claims to representing a government of any kind.

It is my purpose to cable you as soon as reliable news reaches here from Cuzco favorable to Iglesias, referring you to my dispatch No. 9, and stating simply that all departments have submitted to or declared for Iglesias.

Under the circumstances it occurs to me that a cable order to recognize the Government, if that be your decision, might be presented as my authority, reserving the formal letter of the President accrediting me to Peru for an occasion when a President has been duly elected.

* * * * * * *

It is a matter of regret that General Iglesias should have so few friends amongst the leading class here. He has been forced to considerable degree in the selection of his higher officers. * * * The treaty is hateful to those who might lend effective support, and they will not have part in it, although recognizing that it must be accepted. I am quite confident the general realizes the difficulties of his situation and that he hopes to effect changes in his cabinet and otherwise that will improve the condition of affairs. * * *

I have, &c.,

S. L. PHELPS.

No. 460.

Mr. Frelinghuysen to Mr. Phelps.

No. 18.] DEPARTMENT OF STATE,
Washington, November 15, 1883.

SIR: Your several dispatches, so far as received to date, reporting the military and political situation in Peru, have been considered with the attention demanded by the importance of the occurrences you narrate. As supplemented by your later telegrams, they show the conclusion of a treaty of peace between General Iglesias and the Chilian

plenipotentiary, on what are understood here to be bases substantially in accord with the terms of the protocol previously signed between General Iglesias and the representative of Chili; the evacuation of Lima by the Chilian forces; the installation there of a form of provisional administration under the Presidency of General Iglesias; and the revolt of the residents or garrison of Arequipa against the authority of Vice-President Montero, who thereupon escaped by flight. Besides this, it appears that the first public act of General Iglesias on assuming control of the provisional government thus established was to issue a convocation for an assembly of delegates, to be chosen by the people of Peru, to whom is to be referred the question of accepting and ratifying the treaty which has been signed, and who are further to decide the Presidency of the Peruvian Government.

Of the terms of the treaty itself I cannot at present speak. You are already acquainted with the views of this Government upon the main point involved. It remains to be seen whether the people of Peru, in the expression of their national sovereignty, are disposed to accept the terms proposed to them. With this the Government of the United States has no desire to interfere. It respects the independence of Peru as a commonwealth entitled to settle its own affairs in its own way. It recognizes too keenly the calamities of protracted strife, or the alternative calamity of prolonged military occupation by an enemy's forces, to seek, by anything it may say or do, to influence an adverse decision of the popular representatives of Peru. And a due respect for their sovereign independence forbids the United States from seeming to exert any positive or indirect pressure upon these representatives to influence their course.

The state of facts reported by you makes it necessary to give you instructions respecting your relations with the provisional government. With the people of Peru this country aims, as it has always aimed, to maintain relations of friendship and sympathy. With the particular administration which may for the time assume to control the affairs of Peru we have little direct concern, except so far as our attitude towards it shall express our friendliness to the nation; hence we have no partiality for the Calderon-Montero government or desire that you should manifest any. Should the Assembly which is about to convene be elected under circumstances entitling it to represent the people of Peru and declare for General Iglesias, this Government would no doubt recognize him. This, however, it is unnecessary to say, as such an announcement in advance of the action of the Assembly might in effect exert an influence upon its deliberations which we seek to avoid.

In the mean time, however, your attitude towards whatever administration may have actual control of the public affairs of Peru should be unconstrained, although informal, and of a character to impress them with a sense of the good-will we bear to the Peruvian people.

I have thought it well that you should know generally the position this Government takes, and to that end this instruction is sent you. I await information from you when you have any to communicate by mail or, when necessary, by telegraph.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 461.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 34.] LEGATION OF THE UNITED STATES,
Lima, November 22, 1883. (Received December 17.)

SIR: There is not much change to report in the affairs of this Republic outside of Lima. Some of the Montenero chiefs in the north have, on hearing of events at Arequipa, submitted themselves to the Iglesias government, while considerable numbers of additional troops have been sent north to put down those chiefs who have not surrendered. A force has also gone against those who are now styled rebels in Junin.

The Indian difficulties continue in the interior, and reports of great barbarities reach us. At Cuzco matters are apparently in *statu quo*. The Chilian force that was, according to the reports of Chilian officials, near that city, it now appears is at Ayacucho. Some mystery exists in connection with the position of this force and the condition of affairs at Cuzco. General Iglesias told me he would advise me the moment he had favorable news of reliable character from Cuzco, and it is now almost a month since the overthrow of the Monteros, yet no information reaches us from that most populous of all the departments of Peru.

* * * * * * *

I have, &c.,

S. L. PHELPS.

No. 462.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 36.] LEGATION OF THE UNITED STATES,
Lima, December 3, 1883. (Received December 26.)

SIR: I recently stated to you that some mystery attached to the movements of the Chilian force in occupation of Ayacucho, it having failed to perform the part assigned to it by Mr. Aldunate. Reports now reach us that, after suffering considerabble loss from the Indians, it has evacuated Ayacucho and is retiring to the sea-coast.

General Cáceres at once occupied the city with a formidable force of Indians, and is supposed to have arms for 2,800 men, but all reports now are enveloped in much doubt.

I find it necessary to correct a supposition presented in my No. 9, to the effect that the Indians, because of Pierola's position, might be regarded as adherents of Iglesias. Cáceres has lived amongst the Indians, speaks their language, and has acquired great prestige with them. He is now said to have issued a proclamation declaring himself to be the lawful ruler of the country since the flight of Montero, threatening those who disregard his rights with the punishment of traitors, and avowing his determination to continue war against Chili and Iglesias so long as he has a rifle.

His history presents him as a man very likely to pursue his purpose. I have been unable to secure a copy of the proclamation or even to see one, but two very reliable men assure me that copies of the paper

are in this city, and that a circular to the diplomatic corps will soon be handed me.

Should these reports be confirmed, and Cáceres adhere to the programme, the situation is indeed complicated and critical.

The abandonment of the interior by the Chilians will leave Cáceres in control of all the central departments and of all of Cuzco, except the city itself, which is now, or soon will be, occupied by Chilian force proceeding from Arequipa, by which route Cuzco is approached by railroad to within twenty-five leagues, this remaining distance being in a country favorable to marching men. So far as I can learn, Peru is secured to Iglesias, but the occupation of the city of Cuzco will not secure a political control of the department so long as Cáceres is opposed to the Iglesias government and continues active hostility.

I am surprised by this course of Cáceres. It has been well understood that he was ill supported by Montero, and believed in a course very different from that which kept a large force inactive at Arequipa. The people now are Indians, who will adhere to him, and to make war upon him would be like our Apache wars, only the mountains here present greater difficulties than those of New Mexico and Arizona.

The Government, so far, has not been able to put down the guerrilla chiefs in the coast departments, and will be unable to contend with Cáceres.

Such being the situation, I see no reason for a change in the attitude of the United States. The difficulties arising are in the nature of those of which Mr. Aldunate made light when here; but they are serious, and when the impecunious condition of the Government is considered, * * * it will be seen that the difficulties are great, and I think I may say Mr. Novoa himself is not sanguine.

Chili would seem to have desired to stifle the child of her own creation by fastening upon it in the peace treaty a condition of payment of 300,000 (?) soles per month towards the expenses of the force at Chorillos. It is understood that by some means 70,000 soles were paid towards the payment due for the first month.

Then, at Mollendo, where the exports now embrace the accumulated products of several years during which that section has been blockaded, and the export dues are consequently very valuable, Chili has established its officials and claims the receipts.

It is not pleasant to present such an outlook for General Iglesias, for I entirely believe in his integrity of purpose and like him personally. Nor do I despair of the final success of his peace measure. I do, however, consider his position a perilous one.

What Cáceres can propose to himself beyond adding to the misfortunes of his country I am at a loss to comprehend, and I earnestly trust that the information now had may prove to be false.

I have, &c.,

S. L. PHELPS.

No. 463.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 42.] LEGATION OF THE UNITED STATES,
Lima, December 23, 1883. (Received January 26.)

SIR: I have the honor to transmit herewith a copy of the treaty of peace between Peru and Chili, as presented for ratification to the Chilian Congress; also, a supplemental protocol, both with translations.

These have arrived by a chance steamer, making it probable that you will not receive copies by this mail from Dr. Logan.

Articles 4 to 10, both inclusive, relate to the disposition of the guano and nitrate of soda products of Peru, article 8 being a distinct repudiation of the mortgages resting upon the deposits in Tarapaca. The treaty appears to aim at a more explicitly expressed disregard of private rights than the protocol on which it is based.

The presentation of the treaty first in the congress of Chili is probably with a view to affect the action of the Peruvian assembly, thus called upon to consider it after the determination of the other body has been announced; there may be a further object connected with protests of other Governments.

The situation is embarrassing. The Government here not recognized, the treaty published in and by Chili only, and that Government represented here only by a diplomatic agent.

I have not determined how to meet the case * * *

Very respectfully, &c.,

S. L. PHELPS.

[Inclosure in 42. Translation from the Comercio of 20th December, 1883. Treaty of peace between Chili and Peru.]

In the memoir presented to the congress now assembled in Chili by the minister of foreign relations, and of which we have had an account by an express steamer arrived to-day, there is inserted the treaty of peace and friendship celebrated between that Republic and Peru, as follows:

The Republic of Chili on the one part and the Republic of Peru on the other, being desirous of reinstating relations of friendship between both countries, have resolved upon celebrating a treaty of peace and friendship, and for the purpose have named and deputed as their plenipotentiaries the following: His excellency the president of the Republic of Chili appoints Don Jovino Novoa, and his excellency the president of the Republic of Peru, Don José Antonio Lavalle, minister of foreign relations, and Don Mariano Castro Zaldivar, who, after communicating their credentials and having found them to be in proper and due form, have agreed to the following articles:

ARTICLE 1. The relations of peace and friendship between the Republics of Chili and Peru to be re-established.

ART. 2. The Republic of Peru cedes to the Republic of Chili in perpetuity and unconditionally the territory of the littoral province of Tarapaca, the boundaries of which are, on the north the ravine and river Camarones, on the south the ravine and river Low, on the east the Republic of Bolivia, and on the west the Pacific Ocean.

ART. 3. The territory of the province of Tacna and Arica, bounded on the north by the river Sama from its source in the Cordilleras on the frontier of Bolivia to its mouth at the sea, on the south by the ravine and river Camarones, on the east by the Republic of Bolivia, and on the west by the Pacific Ocean, shall continue in the possession of Chili subject to Chilian laws and authority during a period of ten years, to be reckoned from the date of the ratification of the present treaty of peace.

After the expiration of that term a plebiscitum will decide by popular vote whether the territories of the above-mentioned provinces will remain definitely under the dominion and sovereignty of Chili or continue to form part of Peru. Either of the two countries to which the Provinces of Tacna and Arica may remain annexed, will pay to the other ten millions of Chili silver dollars or Peruvian soles of the same weight and fineness.

A special protocol, which will be considered as an integral portion of the present treaty, will prescribe the manner in which the plebiscitum is to be carried out, and the terms and time for the payment of the ten millions by the nation which may remain in possession of the provinces of Tacna and Arica.

ART. 4. In compliance with the stipulations of the supreme decree of February 9, 1882, by which the Government of Chili ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in article 13 of said decree, to be divided in equal parts between the Government of Chili and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chili will continue paying over to the Peruvian creditors 50 per cent. of the net proceeds of guano, as stipulated

in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked.

The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chili.

ART. 5. If, in the territories that remain in possession of Peru, there should be discovered deposits or beds of guano, in order to avoid competition in the sale of the article by the Governments of Chili and Peru, the two Governments, by mutual agreement, will first determine the proportion and conditions to which each of them binds itself in the disposal of the said fertilizer.

The stipulations in the preceding paragraph will also be binding in regard to the existing guano now known and which may remain over in the Lobos Islands when the time comes for delivering up these islands to the Government of Peru, in conformity with the terms of the ninth article of the present treaty.

ART. 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9, 1882.

ART. 7. The obligation which the Government of Chili accepts, in accordance with the fourth article, to deliver over 50 per cent. of the net proceeds of guano from the deposits now actually being worked, will be carried out whether the work be done by virtue of the existing contract for the sale of one million tons or through any other contract, or on account of the Government of Chili.

ART. 8. Beyond the stipulations contained in the preceding articles, and the obligations that the Chilian Government has voluntarily accepted in the supreme decree of March 28, 1882, which relates to the saltpeter works in Tarapaca, the said Government of Chili will recognize no debts, whatever their nature or source, that may affect the new territories acquired by virtue of this treaty.

ART. 9. The Lobos Islands will remain under the administration of the Government of Chili until the completion of the excavation from existing deposits of the million tons of guano, in conformity with articles 4 and 7. After this they will be returned to Peru.

ART 10. The Government of Chili declares that it will cede to Peru, to commence from the date of the constitutional ratification and exchange of the present treaty, the fifty per centum pertaining to Chili(?) from the proceeds of the guano of the Lobos Islands.

ART. 11. Pending a special treaty to be entered upon, mercantile relations shall be maintained on the same footing as before the 5th April, 1879.

ART. 12. Indemnities due by Peru to Chilians, who may have suffered damages on account of the war, will be adjudged by a tribunal of arbitration or mixed international commission, to be appointed immediately after the ratification of the present treaty, in the manner established by conventions recently adjusted between Chili and the Governments of England, France, and Italy.

ART. 13. The contracting Governments recognize and accept the validity of all administrative and judicial acts during the occupation of Peru arising from the martial jurisdiction exercised by the Government of Chili.

ART. 14. The present treaty to be ratified and the ratifications exchanged in the city of Lima, so soon as possible during a period not exceeding one hundred and sixty days, to be reckoned from this date.

In testimony whereof the several plenipotentiaries have signed this in duplicate and affixed their private seals.

Done in Lima the 20th day of October, in the year of our Lord one thousand eight hundred and eighty-three.

[L. S.] JOVINO NOVOA,
[L. S.] J. A. DE LAVALLE.
[L. S.] MARIANO CASTRO ZALDIVAR.

SUPPLEMENTARY PROTOCOL.

In the city of Lima, the 20th October, 1883, assembled Messrs. Don Jovino Novoa, envoy extraordinary and minister plenipotentiary of the Republic of Chili; Don José A. de Lavalle, minister of foreign relations of Peru, and Don Mariano Castro Zaldivar, both plenipotentiaries *ad hoc* of the Government of his excellency General Don Miguel Iglesias, for the adjustment of the treaty of peace between the Republics of Chili and Peru, and acting in accordance with the powers conferred upon them by their respective Governments, as laid down in their letter of credence and special instructions, which have been examined and approved as sufficient for the celebration of the contract of peace signed on this day, have proceeded also to frame the following supplemental protocol to the treaty of peace between the Republics of Chili and Peru, signed in Lima on this date:

ARTICLE 1. Pending the completion of the treaty of peace subscribed in Lima on this date, through its ratification by the Peruvian congress, the Republic of Chili is authorized to maintain an army of occupation in such part of Peruvian territory as the general-in-chief may deem necessary, it being always understood that the forces composing said army may not hinder or obstruct in any manner whatever the free and full exercise of rightful jurisdiction by the national authorities of Peru.

ART. 2. To defray in part the expenses occasioned to the Republic of Chili by the maintenance of an army of occupation, the Government of Peru will pay monthly to the general-in-chief of said forces, to commence from the date of this protocol, the sum of 300,000 dollars in silver, to be deducted, the first in order, from the national income of Peru.

ART. 3. Provisions and equipments of any nature whatever that the Government of Chili may remit to her army during the existence of the occupation will be passed in the custom-houses of Peru free of all fiscal or municipal duty, and their dispatch will be effected without further provision than the presentation of the necessary manifest with the vizae of the general-in chief.

ART. 4. The headquarters of the Chilian army may use all the telegraph lines belonging to the state, free of charge, on condition that all telegrams are "vizéd" by the secretary of the general in chief, or signed by the minister plenipotentiary of Chili.

ART. 5. The headquarters of the army of occupation may also use the railroads upon the same terms and conditions that the Government of Peru may use them, by virtue of the several contracts entered into with persons or companies working them.

ART. 6. While the general in chief of the army of occupation may deem it indispensable, the hospitals "Dos de Mayo" and "Sante Sofia" of this city will remain at the service of his army, with the right to place in said establishments a military garrison for the preservation of order and cleanliness.

In testimony whereof the above-mentioned plenipotentiaries have signed in duplicate the present protocol and sealed with their respective seals.

(L. S.) JOVINO NOVOA.
(L. S.) J. A. DE LAVALLE.
(L. S.) MARIANO CASTRO ZALDIVAR.

No. 464.

Mr. Phelps to Mr. Frelinghuysen.

No. 43.] LEGATION OF THE UNITED STATES,
Lima, December 23, 1883. (Received January 26.)

SIR: From the best intelligence obtainable, General Iglesias was deceived by the report made by his prefect at Ica, respecting which I cabled you on the 9th instant.

It appears that General Cáceres has not made overtures to General Iglesias, and that the letter published here as having been sent to Cáceres, had not in fact left Lima when I mailed a published copy to you. So far the control of this Government in the central and southern departments remains as before, largely dependent upon the enemy's movements.

In all the interior Cáceres is the power, while maintaining an opposition to Iglesias, and Chilian movements during the rainy season cannot be relied upon by the latter. It is announced that Cuzco was entered by the prefect appointed by Iglesias without opposition. The effective aid of the enemy has deprived this event of significance as a voluntary acceptance by the people of the representative of this Government.

The time set for the election of delegates to the national assembly is near at hand. Reports from the north and the south alike represent the public feeling as one of utter indifference. Preparations are not being entered into and it can be seen that the publication of the treaty has had a depressing effect in Lima.

I have, &c.,

S. L. PHELPS.

PORTUGAL.

No. 465.

Mr. Francis to Mr. Frelinghuysen.

No. 23.] LEGATION OF THE UNITED STATES,
Lisbon, January 8, 1883. (Received January 27.)

SIR: I have the honor to transmit herewith a summary of the Portuguese budget for the fiscal year 1883–1884, as presented to the Cortes by Señor Fontes, minister of finance, on the 5th instant. The items embrace estimates for the year and indicate a deficit in the receipts to cover expenditures of a comparatively small amount, greatly less than in any former year for a long time back.

Another report by the minister of finance not yet submitted to the Cortes will show the present condition of the treasury and the amount of the floating debt.

The present debt of Portugal is about $435,000,000, upon which annual interest of about $14,000,000 is paid. I do not give the precise sums for the reason that no official statements of them have been made, but the amounts named very nearly approximate to the fact.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 23.—Translation.]

Portuguese budget for 1883–1884.

The budget of the ordinary expenditures of the state and metropolis for the years 1883–1884, with the respective receipts calculated according to the system of accounts now in force.

Expenditures.

Junta of public credit, interest on internal debt	6,259,734$115
External debt	5,837,574$251
On titles to consolidated debt held by treasury (961,018$589)	13,05[illegible]
Ministry of foreign affairs	312,294$[illegible]
Ministry of the interior	2,169,60[illegible]
Ministry of justice	683,716$[illegible]
Ministry of war	4,565,172$[illegible]
Ministry of marine and colonies	1,722,48[illegible]
Ministry of public works	2,766,92[illegible]
Ministry of finance	6,237,353$[illegible]
($34,004,751)	31,465,[illegible]

Receipts.

Direct taxation	6,242,050$000
Indirect taxation	16,397,150$000
Stamps and registrations	3,437,000$000
"Additional tax" imposed by law April 27, 1882	1,084,000$000
Various receipts and public property	2,985,023$000
Overdue taxes	1,071,300$000
($33,723,717)	31,206,523$000
Difference	259,291$[illegible]
	31,465,[illegible]

MINISTRY OF FINANCE,
December 30, 1882.

ANTONIO MARIA TONTES PEREIRA DE MOLLO.

Recapitulation.

Receipts, Portuguese money	31,226,590.162
Expenditures, Portuguese money	31,485,881.162
Excess of expenditures, Portuguese money	259,291.162
Expenditures, American money	$34,004,751
Receipts, American money	33,723,717
Excess of expenditures, American money	281,03

No. 466.

Mr. Francis to Mr. Frelinghuysen.

No. 25.] LEGATION OF THE UNITED STATES,
Lisbon, January 18, 1883. (Received February 6.)

SIR: Referring to my dispatch No. 23, I have the honor to state that the minister of finance makes public, in the official journal of the 13th instant, the following statement in reference to the floating debt of Portugal on the 31st December last:

Debt registered on books of the treasury to order of general fund of deposits	1,250,000$
Obligations of the treasury to order of individuals	3,317,000$
Foreign obligations	2,700,000$
On account of loan of May 9, 1879	4,450,709$
Total floating debt	11,717,809$
	($12,655,333)
The floating debt on January 1, 1882, was	$6,788,741
It will be seen that at the end of the year it had increased to $12,655,233, showing an augmentation of	5,866,492

It is to be remarked respecting the floating indebtedness as above set forth that the sum last named covers the increase of the public debt during the year 1882, namely, $5,866,492. And of the entire floating indebtedness it may be said that it has accrued for most part on account of important public works, mainly for the construction of railroads, which it is claimed will be of great permanent advantage to the country, adding largely to its wealth and opening up resources which cannot fail to prove a source of increasing revenues. Upon this point, and referring to the last paragraph in my No. 20, I submit the following statement as to the material situation and prospects of Portugal, which, taking the optimist view of affairs, I have reason to believe quite accurately reflects the opinions of the existing Portuguese ministry and of many sagacious business men of the Kingdom.

Says the Portuguese Publicist, who furnishes me this statement:

The year just closed has been a happy one for us; our progress and prosperity have been strengthened. We can now affirm, in general terms, in the absence of precise official data, that the collection of taxes has reached a figure far greater than had been anticipated, that the commercial movement has increased throughout the country, that exportations have augmented, and that the receipts of the railways have in every instance shown a regular increase.

During 1882 two lines of railway have been opened to traffic; new lines of steamers either national or foreign, established stopping places in the ports of this Kingdom for the vessels of their fleets, thus securing a more frequent system of communication with Africa, Asia, and America, as well as with European ports.

Surveys for important lines of railway have been made during the last year; and this is also true as regards our territorial possessions in Africa and the Indies.

The railway and telegraph system have been extended and much improved, not only for the ordinary service, but for intercolonial and international purposes as well.

We have concluded an advantageous treaty with France, and we have made or perfected other treaties or commercial conventions with several States of America, Asia, and Oceanica, bearing conditions which will bring great advantages to our commerce and our industry.

The commercial situation is also improved; a diminution in the number of failures justifies this assertion. The condition of the banks and other financial establishments has been in general very regular; many of these institutions have seen the circle of their business extended and their legitimate influence greatly augmented thereby.

Important companies have been organized with Portuguese capital mainly for the working of mines.

The public debt and other obligations of the State have been much sought after, and large transactions have been regularly made in Portugal and abroad, and invariably on terms favorable to the public credit.

The crops have in general been rather more abundant than those of a good medium year; that of wine rather greater than usual. Great success has attended the fisheries.

As regards the political situation, certain reforms which are considered indispensable will be carried out under the care and vigilance of a Government which is liberal and conservative, intelligent and experienced; nor need these reforms inspire anxiety. Among these a reorganization of the House of Peers is in contemplation. It is proposed that in future it shall be designated the senate, and shall consist of 150 members, 50 to be chosen by the King and appointed for life, 50 to represent the various sections of the community, and the remaining 50 to be elected by a double process of voting.

In conclusion, if in our exterior relations some questions of serious import may have presented themselves, either with France, England, or the Holy See, they have been discussed and resolved with no loss of honor to any one, or they are in the way to an easy and satisfactory solution.

The only drawback which we have to deplore during the past year is the great progress made by the phylloxera among our vines.

I have, &c.,

JOHN M. FRANCIS.

No. 467.

Mr. Francis to Mr. Frelinghuysen.

No. 40.] LEGATION OF THE UNITED STATES,
Lisbon, March 13, 1883. (Received March 27.)

SIR: Señor Fontes, president of the council of ministers, recently presented to the Cortes a communication discussing the general question of such political reforms in Portugal as are, in the opinion of the Government, desirable, and in many cases necessary. This document is of great length, and concludes as follows:

It is our belief that, having in view the intentions declared and exhibited herein, the following principles should be adopted:

That the heredity of the peers shall be abolished;

That the number of members to compose House of Peers be limited;

That the elective principle and that of royal nomination be combined in reasonable proportions in the organization of this chamber, at all times respecting the rights possessed by the present peers;

That the regular duration of each legislature shall be reduced to three years;

That it shall be declared that the peers and deputies are the representatives of the country, and not of the King who named them, or of the districts which elected them;

That the imperative mandate shall be prohibited (meaning that no deputy shall be hampered by the instructions of constituencies or others, but must be left absolutely free to act and vote in accordance with his own judgment);

That it shall be expressly declared that to each chamber belongs the power of the verification of the rights of its members;

That the inviolability of peers and deputies shall be limited, and that they may be arrested *in flagrante delicto* of all crimes except such as are subject to correction and punishment;

That in all questions concerning taxes and recruitment on which differences of opinion may arise between the two houses, and of balloting in the mixed commission ("committee of conference"), the vote of the elective chamber shall prevail;

That the dissolution of a newly-elected Cortes cannot take place until three months of the session shall have passed;

That an interval of three months be fixed before the meeting of the new chamber;

That the Cortes-general be dissolved whenever a reform of the constitution shall be recognized as necessary, in order that the deputies newly elected for the first legislative session shall present themselves provided with the necessary powers to reform the charter in a legal manner;

That the power to pardon, commute, and diminish punishments shall be restrained in regard to those incurred by ministers of state, the power to pardon in their case not to be exercised except in conformity with a previous petition of the Chamber of Deputies;

That it shall be declared that the direct confirmation of the executive is necessary before the decree can be carried out;

That the responsibility of ministers shall be restored for their exercise of the pardoning and commuting power;

That the King shall be authorized to absent himself from the Kingdom for a certain time without first obtaining the permission of the Cortes to that effect; and

That, finally, the right of meeting in public shall be recognized as one of the political and personal rights of Portuguese citizens.

This document is followed by a draft of a proposed law recognizing the necessity of these proposed changes, consisting of three articles, the second being in the following words:

The Chamber of Deputies which shall be immediately elected after the present egislature shall be elected with the necessary powers to effect the reforms indicated In article 1.

In conformity with previous notification and the royal declaration made on the opening of the Cortes at its present session, Señor Fontes has introduced in the House of Deputies, with recommendation that it be enacted into a law, a proposed act for electoral reform, embracing the following provisions: The "Scrutin de liste" is established over the whole Kingdom, which is divided into forty electoral districts, said districts to elect altogether one hundred and forty-two deputies, being an average of one deputy to thirty-two hundred inhabitants.

The maximum of deputies to be elected in these districts is five, except in the administrative districts which possess the population entitling them to six deputies, and these shall each form one district.

In such of these districts as are situated the chief towns ("county" towns) the elections will be conducted on the system of "incomplete list" introduced into England in 1867. The term "scrutin de liste" applies to the system which requires the elector to vote for all the deputies who represent the whole of his electoral district, instead of voting, as by the old system, for the one deputy who represents the administrative district in which he lives; the same, for instance, as in a county with us, where three members of assembly are chosen, the elector must vote a general ticket for such members, instead of voting for a single representative of his particular district. In other words, the representatives are chosen for the whole district instead of separate divisions thereof. As, however, the universal application of this rule would not permit of minority representation, the law provides that in three districts of the Kingdom named in the act, wherein, upon the basis of apportionment, such districts are entitled to six representatives each, an elector can only vote for five, and the six persons voted for receiving the highest number of votes shall be declared elected, but each one so

Cortes, in accordance with the charter of the Kingdom; the legi
recommended, including the proposed electoral law, may be ena
the present session of the Cortes. The reforms suggested are imp
as indicating the progress of liberal ideas in the Government o
tugal.

I have, &c.,

JOHN M. FRAN(

No. 468.

Mr. Francis to Mr. Frelinghuysen.

No. 59.] LEGATION OF THE UNITED STATES.
Lisbon, May 12, 1883. (Received May 3

SIR: A recent event of little importance as a mere financial tra
tion, is still worthy of attention, as indicating in a practical manne
great confidence felt by the banks and capitalists of Lisbon in the
bility of the monarchical institutions of Portugal, and in the pe
nency of the reigning dynasty of the house of Braganza. This tra
tion, although of a strictly private character, is considered by though
Portuguese as gratifying evidence of the commencement of a more se
ble and modern system of management of the great estates of the re
ing family, carrying with it, too, a moral example that is certainly
public sense most wholesome. These vast possessions have within a
years been rescued by Senhŏr de Nazareth, the present administra
from the chaotic condition in which they had existed for a centur
more. He has transformed their administration into an orderly
modern system of economy, overcoming abuses which were traditio
and hereditary, and which it was feared were incurable. They had
fact, existed from the date of the accession of the first monarch of
present dynasty, King João IV, in 1640.

Habits of great extravagance and profusion of expenditure for c
turies marked the public and private lives of Portuguese sovereig

was visible in the management of the royal households down to a very recent day, and successive administradors have been obliged to resort to financial measures to sustain them, sometimes ruinous, if not undignified. But Senhõr de Nazareth's administration of the royal estates has inspired such confidence that he has found no difficulty in making a loan from Lisbon capitalists on very favorable terms of nearly a million dollars, based on royal securities, with the object in view of paying off a portion of the debts of the house.

The royal possessions of real estate in Lisbon are great, embracing a large proportion of blocks in some of the principal streets, with many valuable business houses and residences. So, also, its ownership of lands and improved town properties in other districts of Portugal is very large. With reformed administration and great retrenchment in expenditures, the harassing embarrassments resulting from former prodigalities and alarming augmentation of indebtedness are alleviated, and increasing confidence in the credit of the house is now clearly manifest.

Capital is sensitive, capitalists are sagacious. The alacrity with which the royal loan referred to was taken evidences restored confidence in the house, once at a low ebb, and a confidence, also, in the perpetuity of the dynasty, quite as strong and demonstrative as any testimony in that regard which has recently appeared.

I have, &c.,

JOHN M. FRANCIS.

No. 469.

Mr. Francis to Mr. Frelinghuysen.

No. 60.] LEGATION OF THE UNITED STATES,
Lisbon, May 15, 1883. (Received May 31.)

SIR: Some interesting details of the occupation of Ponta Negra by the French forces are given in a letter dated at the Zaire, on the 23th March, and published in an Oporto journal of consideration, the Comercio do Porto, of the 9th May. It may be well to give the principal passages of this narration, as so many and various versions of the circumstances have been given in the European press.

Early in March there appeared off the Congo coast (says the correspondent referred to) a French war vessel, bearing no name upon her stern, but which her commander declared to be the Oriflamme. This vessel succeeded in effecting a landing of troops, which occupied Loango in the first instance and ultimately Ponta Negra.

The French flag was hoisted on shore, and the native chiefs were notified that these territories were henceforward to be considered as French. All this was accomplished without the slightest difficulty, as the inhabitants had no means of resistance. Subsequently the vessel unmasked, and acknowledged herself to be the Sagittaire, the departure of which vessel for the western coast of Africa had been announced some time since by the journals of Europe.

These occurrences caused great indignation among the Portuguese established at the two points mentioned. A few days later, upon the arrival of the Portuguese gunboat Bengo, her commandant protested to the commandant of the Sagittaire against the violence practiced by the French forces, a protest in which united all the Portuguese residents,

with two exceptions. These were two Portuguese houses, the one established at Loango and the other at Ponta Negra, that not only abstained from protesting with the rest of their countrymen, but even powerfully aided the French commandant in the execution of his projects. This action has aroused the indignation of even the negroes, and their establishments are now guarded by French soldiers to protect them from popular hostile manifestations. At the same time the native chiefs not only protested against the French occupation, but have formally rejected presents of great value which the officers of the Sagittaire offered them. This circumstance will appear to all who understand the character of the negro as being of the highest importance, as it is well known that with presents anything desired can usually be obtained from them. The truth is that the negro chiefs would accept nothing, and satisfied themselves with the reply that they are Portuguese; that they know no language but the Portuguese, and that they would submit to no other authorities than the Portuguese authorities at Ponta Negra. At the time the French troops were landed the negro chiefs hoisted the Portuguese flag, and have kept it flying night and day despite the orders issued by the officers of the Sagittaire to strike it.

In point of fact it is incontestable that Ponta Negra as well as Loango are situated to the north of Molembo; that is to say beyond the limit over which the Portuguese exercise an effective sovereignty. It is still true, however, that the Portuguese have never failed to exercise their authority to a certain extent in those regions.

It is but a few months since the Portuguese corvette Duque de Terceira was summoned by several of the foreign houses there established to settle a dispute which had arisen between these houses and the natives, and it may be asserted that on this occasion the commandant of the corvette concluded with the negro chiefs a treaty recognizing Portuguese authority. Aside from this circumstance there is that of priority of discovery, which must be conceded to them. Besides, the Portuguese language is the only one known, and the great majority of European establishments known on this coast are Portuguese, which inevitably gives them great influence, while at the same time there is not one French citizen resident. It may well be asked what rights does France possess to impose by violence its authority upon these tribes.

It would appear from the foregoing substance of the letter referred to that the occupation of the territory coveted by France and the execution of de Brazas' projects may not be accomplished in as pacific a manner as has been hoped in Paris.

The deductions drawn by the writer of the letter under consideration as regards the possible rights of France to the occupation of these points on the coast are not without value, and it is to be observed that the facts which he relates of the absolute predominance of the Portuguese element and Portuguese influence in the neighborhood of Loando is true to a still greater extent (if we may credit his statement) of the territory of the Congo itself, where, as he alleges, of the eighty-eight commercial establishments which exist on the banks of that river from its mouth as far up as Vivi (the first of the stations of the International African Association, under the patronage of the King of the Belgians, with Stanley as director), that is to say upon the navigable portion of the river below the grand cataracts, there are not less than fifty-four Portuguese factories and other European establishments belonging, in numerical order, to the following nationalities: Dutch 15, English 7, French 7, Belgian 4.

Another fact, the writer continues, must not be lost sight of: That, while in the Portuguese factories there are none other than Portuguese, Portuguese form the majority of the *personnel* of all other establishments, particularly so of the Dutch houses, and it may be asserted that the foreign commerce of the Congo to a large extent is transacted under Portuguese influences, while disputes arising between foreigners and the native chiefs are usually submitted to their jurisdiction.

It is precisely this situation of things which constitutes the strongest argument in favor of the rights of Portugal to the sovereignty of these territories.

The writer expresses the belief that in fact three methods of settlement only would appear to be feasible or possible for this question of the Congo, which day by day is becoming one of the most interesting and important international questions of the times. Of these the proposition which declares the regions about the mouth of the great river independent would create upon the shores of the Congo a condition of threatening anarchy, in the midst of which the foreign element could not maintain itself. So this proposition could not be seriously entertained by any one possessing a sincere interest in the progress of civilization in Africa opening to the productions of European industry the immense extent of Central Africa, with the Congo constituting the chief avenue of access. As regards the establishment upon the banks of this great stream of the absolute and exclusive domination of any one of the great European powers, a solution in this manner does not appear to offer assurances of security and, above all, of that commercial liberty necessary to the ulterior development of the trade of which the Congo is the inevitable artery. Besides, nothing indicates that such control could be established without protestation, and even opposition, on the part of the other powers of Europe, and that any settlement sought for in that direction would not lead to war and devastation, the very first consequence of which would be to disgrace the European element—the white element—in the minds of the blacks, and to ruin among them European influence.

Finally, there remains the support and loyal acceptation by Europe of the Portuguese domination over the Congo, not because nothing better can be offered, but as being representative of the only authority really recognized for centuries by the natives; the only one whose exercise is possible within these regions; the only one really the continuance of which can be effectually profitable and useful to the progress of civilization and the development of commerce. Probably the establishment of a *great* power on the banks of the river Congo could not but result disadvantageously upon the development of commerce of the other European nations in those regions, while nothing of the sort need be feared as the result of Portuguese domination.

The foregoing are the principal statements of fact and the argumentative deductions by the writer referred to. His communication has received considerable attention here, from the fact that the narration of occurrences as given by him has been verified by the Portuguese minister of foreign affairs, Señhor de Serpa, as substantially correct.

Referring to the pending treaty negotiations between Portugal and Great Britain on the Congo question, Sir Charles Lennox Wyke, the British minister here, recently expressed his doubts whether, in the present state of popular feeling on this subject in the two countries, any treaty England might assent to would meet the wishes or acceptance of Portugal.

I have, &c.,

JOHN M. FRANCIS.

No. 470.

Mr. Francis to Mr. Frelinghuysen.

[Extract.]

No. 70.] LEGATION OF THE UNITED STATES,
Lisbon, June 22, 1883. (Received July 14.)

SIR: After a session extending from January 2 to June 17, the Cortes was adjourned by royal decree to November 5, when it will assemble in special session to consider the constitutional amendments proposed by the ministry for the reorganization of the House of Peers and the verification of the powers of the members of the Chamber of Deputies, as set forth in my No. 40, of the date of March 14, the avowed object being to impose limitations and judicious conditions upon the exercise of the royal prerogative in the creation of peers, and otherwise rendering this branch of the Cortes less unwieldy, by restriction as to its numbers, and constituting the legislative body so as to make it conform in organization to the liberal institutions of the Kingdom and the progressive tendencies of the age. The proposed electoral reform, as described in my No. 40, designed to guard and purify the elections, and to establish to a very limited extent the principle of minority representation, is also to be considered at the special session of the Cortes.

Few important measures were enacted into laws during the late session of the Cortes. Among the acts of public interest may be named: (1) The law for lighting and buoying the coasts and harbors of the continent and adjacent islands, a necessary and important measure, which is fully described in my No. 51. The work, which is a large undertaking, is required to be completed within five years. (2) Concessions granted to railway companies for the construction of three comparatively small lines of narrow-gauge roads in the northern districts of Portugal, connecting some fertile regions with main roads of the Kingdom. (3) Directing needed improvements in Lisbon Harbor by extensive dredging, and for the construction of a new port at Leixves, at the mouth of the Duoro River, so as to afford commercial access to Oporto without the necessity of crossing the bar, which at times involves great delay as well as peril to shipping, this latter point being regarded as of vital importance to the business interests of Oporto as well as to railroad lines centering there, and for the safety of the commerce by sea that moves to and from this chief city of Northern Portugal. (4) The law defining privileges of trade-marks for both subjects and foreigners, with penalties for violation of its provisions. (5) The budget for 1883–'84, as presented by the minister of finance and given in detail in my No. 23, of the date of January 8.

Toward the close of the session, in response to interpellation, the minister of public worship explained the relations subsisting between the Portuguese Government and the Roman See, intimating a satisfactory solution of the heretofore serious disagreements as probable with reference to filling certain vacant bishoprics and the designation of the patriarch of Lisbon. The Government insists upon its right to name persons for these high ecclesiastical positions; the Holy See had for years refused to confirm some of the Government nominees. But now, it is said, an understanding has been arrived at whereby harmony is likely to be restored through the confirmation of the Government nominees by the Pope after years of irritating differences.

The Congo question was discussed in the Cortes from time to time, not upon any specific measure proposed for its treatment, but rather upon interpellations touching the proposed treaty dealing with the question between Portugal and Great Britain. Now, there are some givings-out to the effect that, failing to secure the desired treaty with Great Britain, negotiations may be opened between Portugal and France, with a view to an alliance of the two powers under treaty stipulations favorable to the interests of each in connection with African territorial possessions.

* * * * * * *

The debates upon the finances of the Kingdom drew out statements from the supporters of the Government to the effect that the floating national indebtedness is not increasing, and that the situation of the treasury is quite satisfactory, notwithstanding there has been latterly a falling off of receipts from custom-house collections.

I have, &c.,

JOHN M. FRANCIS.

RUSSIA.

No. 471.

Mr. Hunt to Mr. Frelinghuysen.

[Extract.]

No. 55.] LEGATION OF THE UNITED STATES,
St. Petersburg, June 18, 1883. (Received July 9.)

SIR: The ceremonies of the coronation of His Imperial Majesty, Alexander III, autocrat of Russia, are over. The diplomatic corps left Moscow on Wednesday. The flags of all the nations of the globe were furled the day before, and at midnight on Sunday the Emperor and his family left for Peterhof, where they are to remain in seclusion until October. The troops were sent home, and as our train came traveling back to this city we missed the soldiers who had stood sentinel over every hundred yards of the whole way when we had gone on.

The ceremonies lasted a week or ten days longer than had been expected. In point of pomp and gorgeousness they have certainly equaled if not excelled such displays on former occasions. The press has fully described them, and I deem it unnecessary to do so now.

I presented the President's letter announcing that he had "made choice of me to represent the Government of the United States on the occasion of the coronation," and expressing his "confidence that I would prove acceptable to his Majesty" in "the distinguished duty of representing the Government," with which he had "invested" me. The Emperor received me with much consideration, inquired after the health of the President, and expressed great satisfaction at the mark of sympathy and regard which the President had shown him in sending a special mission to participate in the ceremonies of the coronation. He charged me to receive and to convey to the President his thanks for doing so, and his great satisfaction at the friendly relations which had at all times existed between the United States and Russia. I presented to him Admiral Baldwin and his staff, and he was especially gracious to the

that the tickets might, perhaps, be for places in the amphitheater, the admiral would come to the church in the morning any such mi would be promptly rectified, and he and Mrs Baldwin be admitt the church. This information, Mr. Wurtz, on returning that nigh formed me, he had communicated to the admiral. The admiral, ever, declined to go. The omission was made the subject of a lett remonstrance from me to Mr. de Giers. I received a reply filled apologies at the apparent slight. Mr. de Giers wrote also to the effect to the admiral, and the Emperor the next day repeated thes grets, first to me and then to Admiral Baldwin.

The distances to be traveled in conveying messages in Moscow enormously long; the addresses of the different legations were o unknown and often incorrectly given; the precise times for the di ent ceremonies were appointed generally by the Emperor in a hours' notice; the duties of the officers detailed for such matters w arduous, and many of these officers were novices in such duties, u quainted with our language and official titles. Under such circ stances omissions such as that spoken of, though annoying, were, my opinion, not inexcusable.

I inclose a copy of my letter to Mr. de Giers on the subject and of reply.

The Emperor, before leaving Moscow, sent to the admiral a beauti snuff-box of wrought gold. The cover contains a medallion likeness the Emperor, set round with large and costly diamonds. He also se him a large gold medal. He sent to me a similer medal in gold a one in silver. For these tokens I returned him my thanks in terms politeness, saying that I would accept the medals if permitted by Co gress to do so.

* * * * * * *

I will content myself with saying in this dispatch that, to my jud ment, the public mind appears to be tranquilized, if not exultant, the coronation of the Emperor.

I have, &c.,

WILLIAM H. HUNT.

My august master has no less appreciated Admiral Baldwin's having been specially sent on board of an American frigate in order to be present at this great solemnity, when it was particularly agreeable to His Majesty to see this delegate of a nation united to Russia by the bonds of a traditional friendship.

In the meanwhile, that Mr. Willamov has been instructed to convey to the President the sentiment of lively gratitude of His Majesty the Emperor for this proof of sympathy, I beg you, Mr. Minister, to have the kindness to transmit to him these expressions, and to receive, &c.,

GIERS.

[Inclosure 2 in No. 55.]

Mr. Hunt to Mr. de Giers.

Moscow, *May* 9–21, 1883.

SIR: Rear-Admiral Baldwin, in command of the European squadron of the United States Navy, has been ordered by my Government to bring his flag-ship to Russia and to participate with his staff in the ceremonies of the coronation of his imperial majesty. After coming a distance of some 5,000 miles, he anchored his ship at Cronstadt, and with his wife arrived in Moscow a week ago.

The admiral and his staff at once formed part of the special mission sent by the United States for this interesting occasion. The orders from my Government on the subject had been promptly communicated by me in an official form to your excellency. The arrival of the party was duly announced. The sole object of the Government in creating such a mission and in constituting these officers a part of it, was to emphasize in a significant manner, unusual in our intercourse with other countries, the cordial sympathy which it is believed has always bound together your nation and mine in the bonds of peace and good-will. No other nation, I am informed, has sent a naval representation to participate in the coronation.

Admiral Baldwin and his staff were presented to your excellency by me with a full statement of their rank in our service, and a just commendation of their undoubted claims to consideration. They had the honor also to be received by the Emperor and Empress, and to be most graciously welcomed by them. The attention of the officers of ceremonies was drawn on several occasions to their claims to witness the coronation, and requests were made by this legation for cards necessary to enable them to do so.

It seems, however, that only this morning at 7 o'clock was any answer given to these requests. The admiral then received tickets to the outside galleries of the kremlin, and the object of my Government in sending him with his fleet to Russia to take part in the coronation was thus frustrated.

I cannot believe that your excellency or the other officials of Russia intended a slight so unprovoked and so marked. Other delegates from other countries, not always friendly to Russia, as the United States have been, delegates of lower rank than that of Admiral Baldwin and his staff, were in many instances permitted to attend the ceremonies from which my countrymen were excluded.

I feel myself constrained to bring this matter to your excellency's attention, and to ask that such steps may be taken as may, to some extent, repair the wrong that has been done to the feelings of this distinguished gentleman and explain this seemingly invidious slight to my country.

I have, &c.,

WILLIAM H. HUNT.

[Inclosure 3 in No. 55.—Translation.]

Mr. de Giers to Mr. Hunt.

MAY 16–28, 1883.

MR. MINISTER: I regret exceedingly the misunderstanding which prevented Admiral Baldwin from being present yesterday at the ceremony of the coronation in the church. I am sure of this, that the invitation ought to have reached him. I am waiting for the explanation that I have asked for of the minister of the court, in order to reply more in detail to your letter.

Meanwhile, and so as to gain time, I have requested Mr. Struve to carry a letter of excuses from me to the admiral and to invite him to come to-day at mid-day, with all his suite, to the kremlin, to offer his congratulations to their majesties.

Accept, &c.,

GIERS.

SALVADOR.

CORRESPONDENCE WITH THE LEGATION OF SALVADOR AT WASHINGTON.

No. 472.

Mr. Bátres to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE REPUBLICS OF GUATEMALA AND SALVADOR,
Washington, May 15, 1883. (Received May 16.)

SIR: I have this day received from the minister of foreign relations of the Republic of Salvador the telegram of which I have the honor herewith to inclose an English translation. Your excellency will thereby see that the schooner Ounalaska, with fraudulent papers for Guayaquil, had brought arms and munitions of war for the revolutionists from San Francisco, Cal., to Acajutla, a port of Salvador. This vessel, which is an American one, has been seized by the Government of Salvador, and the courts are now engaged in examining the question whether it is a lawful prize or not.

The aforesaid Government has instructed me to bring the foregoing to the knowledge of your excellency, and in doing so I subscribe myself, &c.,

ANTONIO BÁTRES.

[Inclosure.—Translation.]

Telegram from Mr. Gallegos to Mr. Bátres.

The American ship Ounalaska, with fraudulent papers to Guayaquil, brought from San Francisco to Acajutla arms and war material for revolutionists. The ship and cargo are now in possession of the Government and undergoing the judicial process of appraisement.

SALVADOR GALLEGOS.

No. 473.

Mr. Davis to Mr. Bátres.

DEPARTMENT OF STATE,
Washington, May 19, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, in which you apprise me of a telegraphic dispatch, addressed to you on the 12th instant by the minister of foreign relations of Salvador, concerning the seizure of the American ship Ounalaska on the charge of having unlawfully conveyed arms and munitions of war to Acajutla, for the insurgents at that place. Intelligence of the seizure had already been received here, and the United States minister

in Central America had been instructed by telegraph to observe the proceedings in the case.

This Government entertains no doubt that the forms of law will be most scrupulously followed by the competent courts of Salvador, and that the accused parties will be afforded every opportunity to be heard and defended, and that their treatment will conform to the principles of humanity as comports with the international relations of two states so signally friendly as the United States and Salvador. In the absence of details of the occurrence and knowledge of the evidence to justify the seizure, this Government naturally reserves for the present any expression of opinion as to the merits of the case.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

No. 474.

Mr. Bátres to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE REPUBLICS OF
GUATEMALA AND SALVADOR,
New York, June 4, 1883. (Received June 5.)

SIR: On the 15th ultimo I had the honor to communicate to your excellency the telegram which had been sent me by the Government of El Salvador relative to the case of the American vessel Ounalaska. In amplification of my previous reports concerning the matter, I now take pleasure in informing your excellency that my Government received information about two months and a half ago to the effect that a political revolution was projected in the western departments, and that the revolutionists were relying upon certain arms and munitions for war, which were to be sent to them from San Francisco, Cal.; that, consequently, my Government immediately took all possible precautions both to anticipate the movements of the revolutionists and to seize the arms which they were expecting. These arms arrived on the 16th of last month by the American vessel Ounalaska, and were seized by the authorities of the port of Acajutla. I have the honor to inclose to your excellency a certified copy of a statement made by the captain of said vessel and of the documents presented by him to the military attorney who is engaged in prosecuting the revolutionists; by these documents your excellency will see that the munitions of war brought by the Ounalaska were intended to aid the rebellion in the Republic of El Salvador, they having been cleared by means of fictitious papers, as if they had been intended for the port of Guayaquil.

To the data contained in these papers I take the liberty simply to add that, as soon as the vessel was detained and her cargo seized the maritime commandant of Acajutla began the preparation of the proper legal papers, according to law, and that on the 12th of April last, up to which time I am in possession of advices, the said papers were transmitted to the supreme court of justice as being an admiralty court, in order that it might decide whether the vessel was or was not a lawful prize.

As to the captain and crew of the vessel, the Government generously ordered that when they should have given their evidence before the

supreme court of justice, they should be unconditionally released, and that their passage should be furnished them to San Francisco, Cal., at the expense of the nation. In compliance with the instructions of my Government, I am happy to transmit the foregoing information to your excellency, inclosing the documents having reference thereto, and assuring you, &c.

ANTONIO BÁTRES.

No. 475.

Mr. Frelinghuysen to Mr. Bátres.

DEPARTMENT OF STATE,
Washington, June 5, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, in relation to the case of the Ounalaska, a vessel seized at Acajutla while under the flag of the United States, on the charge of having unlawfully carried a cargo of arms and munitions from San Francisco to that port in aid of an insurrectionary movement against the constitutional authorities of Salvador.

The papers which you communicate to me throw light on the matter in addition to that given by the reports which have thus far been received by telegraph and mail from the United States minister in Central America and will have my attentive consideration. I must, however, allow myself to say forthwith that in the generous action of the Government of Salvador toward the captain and crew of the Ounalaska in releasing them from further proceedings and furnishing them with transportation to their homes in San Francisco, this Government sees and appreciates the desire of the Salvadorian Government to deal with the question growing out of the seizure of the Ounalaska in the spirit of comity and good will befitting the relations existing between two Republics so happily joined by ties of the sincerest friendship as are the United States and Salvador.

I may further observe that recent telegraphic reports from the United States minister in Central America advise the Department that the authorities of Salvador have placed the vessel at his disposition. Mr. Hall also reports that the Ounalaska is said to have been purchased by citizens of Salvador in the interest of the revolutionary movement. In view of the facts, so far as known here, which tend to establish a *prima facie* case against the Ounalaska, of having engaged in a hostile demonstration against a country with which the United States are at peace, Mr. Hall has been instructed that if the vessel be found to be the property of citizens of the United States, she may be sent to San Francisco in charge of a prize crew, there to answer the charge of violating the statutes of the United States, but that if her purchase by parties not citizens of the United States be established, the Ounalaska is not to be deemed entitled to fly the flag of the United States, or to receive the protection of this Government.

Under these instructions it is not doubted that Mr. Hall will act in the premises in entire consonance with the principles of international justice, and that whatever disposition may be made of the vessel will be in the interest of good feeling between the two countries.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 476.

Mr. Bátres to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE REPUBLICS OF
GUATEMALA AND SALVADOR,
New York, June 28, 1883. (Received June 29.)

MR. MINISTER: The Government of the Republic of Salvador, under date of the 26th ultimo, issued the order which I hereby have the honor to transcribe to your excellency:

"The schooner Ounalaska, which was captured in the port of Acajutla, while engaged in carrying arms and munitions of war to aid a political revolution in the Republic, having been declared a lawful prize by the supreme court of justice, the executive hereby orders that the said vessel be placed at the disposal of the American Government, under whose flag it was sailing, in token of special consideration and regard for the United States of America."

In having the honor to communicate the foregoing order to your excellency, in obedience to the instructions of my Government, I take pleasure in reiterating, &c.

ANTONIO BÁTRES.

No. 477.

Mr. Bátres to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE REPUBLICS OF
GUATEMALA AND SALVADOR,
Richfield Springs, July 24, 1883. (Received July 27.)

MR. MINISTER: I have just received from the Government of the Republic of Salvador the full report of the secret police of San Francisco, Cal., concerning the purchase of arms and of the shipment of the same by the ship Ounalaska, to instigate a revolution in this country.

I have the honor to inclose to your excellency said report, by which, as well as by the rest of the records which I had previously sent to the Department of State, of which your excellency is the worthy chief. It is perfectly obvious that Mr. T. Gutte, with the sordid object of acquiring $25,000, constituted himself the criminal agent of parties who attempted to revolutionize Salvador; and knowingly also Mr. C. Stahltracht, who was a subordinate of Gutte's, in the name of the latter, made the sworn statement, at the custom-house in San Francisco, Cal., to the effect that the cargo of the Ounalaska was destined to Guayaquil, which was manifestly false, not only by the acts but by the acknowledgment of the captain, which some time ago I sent to your excellency, and by the report which I now inclose.

The declaration of the destination of the ship was not signed by its author, but by the captain of the ship Frank Green, thereby making the same null. Such carelessness compromises greatly the responsibility of the general officers of the custom-house at San Francisco, Cal., who should not have permitted the above-mentioned abuse, which I take the liberty of exposing, in order that it may be legally repressed.

Your excellency will have the kindness to notice, in the report of the police, that Mr. T. Gutte had an understanding with Marcial Esteves, whom he visited and with whom he held a secret interview, and to whom he sent the arms and implements of war, to inaugurate a revolution in the Republic of Salvador, which happily maintains the best relations with the United States.

This same Gutte and his agents forged false papers for Guayaquil—thanks to the management of the custom-house officers at San Francisco—and so the ship Ounalaska was enabled to take her departure, and stopping at different ports in Salvador to dispose of her cargo of rifles and warlike chattels.

Mr. Gutte, therefore, and his agents are liable as perjurers through the false and maliciously null deposition made by them, compromising the officials of the United States.

Mr. Gutte and his accomplices are likewise liable for having constituted themselves agents to revolutionize a country lawfully established by sending arms, with false vouchers and under the flag of the great American Republic, which never tolerates such deeds, as was shown recently in the case of the steamship Tropic, which carried munitions of war for the Republic of Hayti, and whose captain and mate were found guilty.

My Government could not have shown greater generosity to the captain and crew of the Ounalaska, having given them their freedom and a thousand dollars for their return, for, after all, these unfortunate men were subaltern agents and very ignorant, and, moreover, subjects of the United States, for which country the people of Salvador entertain the highest sentiments of esteem, and the Government, their faithful interpreter, desired to give a new proof of particular deference; but as regards Gutte and his accomplices I have received instructions to urge their punishment.

To this end the Government of the Republic of Salvador has ordered me to transmit to your excellency the report of the police of San Francisco, which document and the previous ones which I have had the honor to send you expose fully the acts related, which cause us to demand of you to hold accountable the said Gutte and his accomplices for having committed acts of hostility, violating their oath, and, moreover, infringing the laws of neutrality.

I beg your excellency, therefore, to have the kindness to accept favorably the efforts which I formally make begging you to call to account the said criminals, Gutte and his accomplices.

With the highest consideration, &c.,

ANTONIO BÁTRES.

[Inclosure.—Extract.]

Report of H. N. Morse's Detective Agency San Francisco.

* * * It is evident that a certain party, whose name cannot now be given, for the reason that I could not ascertain it, arrived from Ecuador in October or November, 1882. Soon after his arrival he seeks one I. Gutte. It is understood that the unknown man shall furnish all the means for 1,500 rifles and 400 cases of cartridges, and be the silent principal in fact. I. Gutte was and did assume that he was principal, when in fact he was simply an agent, and for his remuneration he was to receive a good round commission.

This being understood, I. Gutte at once enters into negotiation with John Skinker, then agent of the Winchester Repeating Company. It was understood that a bid for 1,500 Remington rifles and 400 cases of cartridges was to be made by Skinker. The latter named gentleman being agent for the Winchester and not the Remington, and having no contract with the Central Pacific Railroad Company wherewith he could land the rifles and cartridges here as cheap as another, he goes to one Charles Soun-

tag and talks over the matter. Finally it is agreed that Sountag is to prepare the bid, which is done. It is handed to Skinker, who, deeming the commission or percentage of profit not large enough, adds a few thousand dollars more to the bid. Sountag and Skinker have agreed to divide the profits. A short time after the bid is handed to Gutte, he calls in on Skinker very abruptly, and wants the rifles and cartridges brought by express from New York. The express charges are figured up, and it is discovered that the expenses will reach about $25,000, or even more. Sountag then insists on knowing who the purchaser is. Gutte's name is given. Sountag then refuses to express the goods unless the money was deposited in some bank here. Gutte then goes to his principal and states his case. It is ascertained that there is not enough money to cover everything. Gutte so informs Skinker; more money was sent for. It was then arranged that as soon as the rifles and cartridges arrived they were to be transferred to a schooner at Port Costa, and thence sent to sea without custom-house clearance. The purchase was postponed until the return mail from Guayaquil was received. The latter arrived and the sale or purchase was again postponed, Gutte giving as reason that a letter had been abstracted from the mail. During the mean time Skinker was removed from his agency, and as considerable delay had ensued an opportunity to investigate matters was offered, thus forcing Gutte's principal to keep quiet. Several weeks elapsed before final action was taken. Gutte purchased the schooner Ounalaska.

He swears that he is the owner, and the same is assessed to him on the assessor's books in and for the city and county of San Francisco.

Independent of either Skinker or Sountag, Gutte purchases the rifles and cartridges. His team hauls the same to the wharf, and his book-keeper is made consignor.

After a most thorough examination I find that Francisco Duenas is a man of vast wealth. In no way is his name connected with the affair, and to bear out the theory that he had nothing to do with the purchase let me call your attention to the fact that enough money to pay expressage was demanded from Guayaquil. Had Duenas anything to do with the purchase he would not have sent to the place mentioned for money, for the reason that his immense wealth is at his command here. Then, again, Messrs. Sountag and Skinker state that Duenas's name never was mentioned in the transaction.

No. 478.

Mr. Adee to Mr. Bátres.

DEPARTMENT OF STATE,
Washington, August 11, 1883.

SIR: I have had the honor to receive your note of the 24th ultimo, and have had a copy of it and other papers at the Department, in relation to the schooner Ounalaska, forwarded to the Attorney-General of the United States for such use as may be deemed advisable in any prosecution against that vessel at San Francisco, whither she has been dispatched, under guard, by the United States minister to the Central American States, for having violated the neutrality laws of this country.

Accept, &c.,

ALVEY A. ADEE,
Acting Secretary.

SIAM.

No. 479.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No 7.] LEGATION OF THE UNITED STATES,
Bangkok, October 24, 1882. (Received December 21.)

SIR: I have the honor to report, that on Monday, 23d instant, I was received in public audience at the Grand Palace by His Majesty the King of Siam.

My arrival had been notified to the minister for foreign affairs on the 16th, and that high functionary, in making acknowledgment, had been pleased to say that the King and Senabodi were gratified at my return to Siam as a diplomatic representative, and that the royal princes, ministers of state, dignitaries, and officers of the realm in full uniform, would honor the occasion of my reception by their presence.

As previously appointed, my boat was convoyed by the foreign minister's steam-launch from the legation to the international court-landing, a distance of 4 miles, whence I was conducted in an open carriage, under escort from the foreign office, to the Grand Palace. I was accompanied by Dr. N. H. McDonald, vice-consul, Mr. I. W. Torrey, clerk of the consular court, Rev. Dr. William Dean, chaplain, and I. G. Torrey, acting interpreter. Our line of march was flanked by a brigade of imperial troops, under command of the King's brother, his royal highness Prince Dissaworkumarn. Military honors were accorded. * * *

Arriving at the palace I was received by his excellency the foreign minister and other dignitaries.

Refreshments were served, after which I was ushered into the royal audience-hall, where appeared the King in robes of state, standing upon a raised platform, surrounded by princes and nobles of every degree, clad in uniforms of cloth of gold.

His Majesty extended to your representative a gracious and cordial reception. * * *

The court speaker indulged in complimentary discourse, and made formal introduction of your representative, who addressed the King in words following:

"That the friendly relations which have so long existed between Siam and the United States may be strengthened and made more enduring and the prosperity of both nations advanced, the President has commissioned me to reside near your Majesty's Government in the quality of minister resident of the United States.

"This initial step, expressive of warm friendship for your Majesty's dynasty and Government, recognizing Siam as an equal in the fraternity of sovereignties, fittingly comes from that younger commonwealth beyond the sea, whose Government and people are content with their great inheritance, and who would invoke for this Kingdom the fullest measure of peace, happiness, and prosperity.

"I have now the honor to present my letter of credence, and to express the wish that your Majesty's life and health may be long continuing."

To this short address the King replied:

"We are very much pleased that the President of the United States of America has exalted and honored Siam by the appointment of a minister to reside near our court, in order that the friendly relations between the two countries may be strengthened and made more intimate, and we are especially rejoiced that this important position has been conferred upon you, with whom we are acquainted, and in whom we have confidence. We know that your chief desire is to maintain friendly relations and to develop the same by preventing those things which might cause difficulties between the two countries.

"We beg to assure you that this act of the United States, in showing this consideration for Siam, gives us and the royal family and the nobility universal satisfaction.

"We pray that the United States may be blessed with increasing prosperity, and that her relations with Siam may be still closer and

more intimate. We trust that the commercial relations between the two countries will be extended to our mutual advantage.

"This we desire as a consequence of our close friendship."

After the delivery the King indulged in friendly inquiries of a personal nature, and terminated the audience by retiring.

The ceremonial throughout was unusually imposing, and possessed phases rarely if ever before witnessed in an oriental pageant.

I esteemed it a marked distinction to my country through me.

I have, &c.,

JOHN A. HALDERMAN.

No. 480.

Mr. Halderman to Mr. Frelinghuysen.

No. 11.] LEGATION OF THE UNITED STATES,
Bangkok, November 10, 1882. (Received January 2.)

SIR: The scheme to cut a canal through the Malay Peninsula at Kraw is again freely discussed.

This projected water-way is no new idea. Within the last twenty-five years a half dozen or more applications have been made to the Siamese Government for ways and means to prosecute this work, but so far none have met with pronounced favor. The one now pending, made by Mr. Francis Delonde, a French engineer, who claims to represent Count De Lesseps and a substantial company, is receiving more consideration than any one of its predecessors.

The charts, however old and imperfect, show that the Isthmus of Kraw is in latitude 10° 31′ north, and that it is about 50 miles wide. It is equidistant from Singapore and Rangoon; and from Bangkok it is about 150 miles south. The territory from sea to sea is under Siamese rule, though it adjoins British possessions.

No extended survey has been made, but the promoters claim after frequent preliminary explorations that the navigable waters of the Bay of Bengal and the Gulf of Siam may be united by a ship-canal 80 miles long at a cost not exceeding $20,000,000; that between India and China 500 miles of ocean travel would be saved thereby; that the enterprise is entirely practicable and would be remunerative; that it might be built within two years, and that it would be a boon to the commercial world, particularly to France, Great Britain and Siam.

By means of estuaries and rivers on either side it is represented that 40 miles, or one-half the route, would require dredging only, while at no place, save at the watershed of the peninsula, which rises to an altitude of not more than 100 feet above the sea-level, would the excavation be otherwise than comparatively easy and inexpensive.

It is believed that the difficulties to be surmounted in the execution of this work are so small as not to be comparable to those of Suez, Corinth or Panama, and enthusiasts, who are interested in the scheme, speak of these ocean highways, present and prospective, in the same breath, and all as of commanding interest to international trade.

De Lesseps' company has applied to the Siamese King for a concession of right of way across the Isthmus, to be supplemented by material aid, and the King has said that, if he should favor any, it would be the De Lesseps interest.

This I think is as far as the Siamese Government has gone.

The Kraw canal scheme, as herein set forth, from the stand-point of the projectors, may be rose-colored, but as the French within the past few years have become the canal builders of the world, their convictions upon this and kindred subjects should command respect and should remove this project from the domain of mere speculation.

British authorities in Siam do not regard the enterprise with favor. This may prevent the concession asked for, even though the Siamese Government were satisfied of its feasibility.

Siam has great respect for the opinion of British officials; but the French are persistent; they seem thoroughly in earnest, and they may press their suit until favors asked become favors granted.

I have, &c.,

JOHN A. HALDERMAN.

No. 481.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No. 13.] LEGATION OF THE UNITED STATES,
Bangkok, November 17, 1882. (Received January 15.)

SIR: It has transpired that several months since, King Theebaw, of Burmah, on invitation, sent an embassy to British India, charged with the mission of negotiating a new treaty.

A draft convention was submitted to the viceroy of India, and rumor says accepted in the main by the embassy, but the Mandalay Government, not satisfied with the turn things had taken, abruptly broke off the negotiations and ordered the return of the embassy.

King Theebaw, to whom lamb-like propensities are not ascribed, has taken a bold step in thus subjecting to further strain the delicate relations subsisting between his Government and that of India.

It is not yet known upon what points the refusal to agree to British terms was grounded, but it is believed that the collapse is owing to the British demand for an "armed residency" at Mandalay.

It is claimed that in the employment of this elastic phrase, "armed residency," the Indian Government had no political purpose, but having reason for a well-established fear that assassination might be attempted upon their envoy, or that the fury of a savage mob, incited by a blood-thirsty monarch, might lead to untoward results, they deemed this precaution necessary for the safety of their representative, and hence made it a *sine qua non*.

As opposed to this view it has been intimated that the object of insisting upon an "armed residency" is to establish at Mandalay a cantonment capable of imposing respect upon the braves of King Theebaw, and that if the Government of India has made up its mind to bring Upper Burmah into the system of the British Empire, and compel its sovereign to acknowledge the suzerainty of the Queen-Empress, this is the most business-like way of attaining its end.

Lexicographers, less apt than Dr. Johnson, might define "armed residency" to mean domination thinly disguised.

A highly respectable English journal at Hong-Kong says: "Burmah is practically at the mercy of the Indian Government, and has so fre-

quently given trouble that it is really marvelous that the country has not long since been converted into a presidency or province of the British Indian Empire. Moreover there are political reasons for such annexation."

Burmah joins Siam on the west, and has an estimated population of three and one-half million, and an area of 200,000 square miles. The Kingdom has commercial treaties with Great Britain, France, and Italy, and is represented as a land flowing with milk and honey. Recent advices therefrom represent that outbreaks are becoming more frequent, but it is not stated whether such are incidents of vulgar dacoits or the beginning of a political uprising. The preparations for their suppression by the Mandalay Government indicate that they are considered as matters of some gravity.

In connection with this subject, I would report that within the last four weeks one of the royal princes of Burmah, Chowfa Cambajah Tahtah by name, rajah and governor of a province, and uncle to the present King, sought refuge in Siam from the alleged persecutions of his royal kinsman. He visited me at this legation and gave an interesting account of his perilous journey upon elephants and rafts, through jungle and water-way, from Rangoon to Bangkok.

Only a few days since he departed for lands nearer his own home, where, it is surmised, he may fit out an expedition, having for its object the dethronement of Theebaw, who, in the fear, or under the control of his royal spouse, rules the destination of Burmah with savage malignity.

It is further surmised that British influence will not discountenance the expedition.

If these conjectures be imbedded in truth, the next monsoon may bring us tidings that his royal highness Chowfa Cambajah Tahtah is battling for a throne; or, for life, in flight.

Meanwhile and in any event, reasons for readjusting frontier lines on the Upper Irrawaddy and the western borders of Siam may become more cogent, as the months roll on, until, impelled by the ever-pressing necessity of squaring one's farm from his neighbor's rich acres—and by that other *ultima ratio regum*—the viceroy will throw his arms around Theebaw, his dominions, treasures, and monopolies, and incorporate one and all into Her Britannic Majesty's Indian Empire.

I have, &c.,

JOHN A. HALDERMAN.

No. 482.

Mr. Halderman to Mr. Frelinghuysen.

No. 20.] LEGATION OF THE UNITED STATES,
Bangkok, January 16, 1883. (Received March 16.)

SIR: Commander Bellion, of the French navy, and a corps of engineers sent out, as they represent, by the Suez Canal Company and Mr. Ferdinand de Lesseps, to make survey of the Isthmus of Kraw, in the interest of the projected ship-canal across the Malay Peninsula, left this port yesterday for their field of operations in a vessel provided by the Siamese Government.

While in Bangkok they were guests of the French commissaire; were received by His Majesty the King; were entertained at this legation,

and were the recipients of many courtesies from native and foreign officials.

It is believed that this expedition will report upon the practicability and cost of the enterprise, and that upon this report will depend future action. No concession has yet been granted by the Siamese Government.

I have, &c.,

JOHN A. HALDERMAN.

No. 483.

Mr. Halderman to Mr. Frelinghuysen.

No. 27.] LEGATION OF THE UNITED STATES,
Bangkok, March 15, 1883. (Received May 24.)

SIR: The Haiphong correspondent of the Hong-Kong Press writes to that journal, under date of 21st February last passed, that five hundred French troops had reached that port, and that seven hundred and fifty more were expected to arrive shortly.

From the letter, copy of which is herewith sent, it appears that the Chinese troops have been withdrawn, and that all serious difficulties in the way of the French occupation of Tonquin have been effectually removed.

Trouble may be expected in clearing the Song-Koi River of the dacoits and outlaws who infest it, but Annam's new suzerain will hardly permit this great water-way to the western provinces of China to remain much longer locked against foreign commerce.

The French protectorate of Tonquin means probably annexation in due time.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 27.]

THE FRENCH IN TONQUIN.

Printed letter from the Hong-Kong Press.

HAIPHONG, *February* 21, 1883.

Yesterday the French transport La Correze arrived with five hundred men for the long-promised expedition. She went to Fietylong Bay, where the troops and war material will be taken off to this port by the gun-boats Parceval and Hamelin and French steamer Saltse, as La Correze cannot enter here, owing to her draught of water. It is said that La Creuze will follow her with seven hundred and fifty men, but for this report I cannot vouch. We shall then have a force of some three thousand men here, with artillery in proportion, and all the gun-boats, a very considerable force, taking everything in consideration.

This time it seems there will be no bloodshed. It appears that everything has been smoothly arranged. An Annamite embassador has been here from Hué, commanding the different Annamite forts, to surrender without a shot. There will thus only be an occupation, and *postes militaires* established at Namdinh, Hai-Duong, and the principal Annamite strongholds perhaps. Any how, the occupation will be far better for everybody concerned.

There is, of course, much excitement here, and a good deal of enthusiasm among the French.

I hear from Pakhoi that the last bodies of Chinese troops that were menacing the Tonquinese frontier have been embarked at that port on board a Chinese gun-boat for Canton, a proof that the Peking authorities have come to an understanding with the French minister there.

No. 484.

Mr. Halderman to Mr. Frelinghuysen.

No. 30.] LEGATION OF THE UNITED STATES,
Bangkok, April 30, 1883. (Received June 25.)

SIR: I have the honor to report, as notified in my dispatch No. 29, that I left here on the 14th April, and after steaming a southerly course 420 miles as the crow flies, landed at Tuluban in the Malay Peninsula, latitude 6° 40′ north, longitude 101° 40′ east, on the morning of April 22.

The rajah, who is the Malay and Mohammedan governor of Saiburi, a protected state of Siam, waited upon me on my arrival, and expressed a desire that the gifts of the United States to him should be publicly presented at his palace on the following day at eleven.

At an early hour next morning the Tuluban River, in the mouth of which the Volante was anchored, was covered with small craft filled with men, women, and children, awaiting evidently our departure for the town of Tuluban, further up the stream.

Shortly before the hour named I boarded the state barge, canopied and cushioned with green and crimson silk, manned by twenty oarsmen, and started for the palace, followed by an escort of scores of canoes of all sizes and patterns, filled with Malays, who honored the occasion by salvos of musketry, din and outcry, music, song, and chant.

At the palace landing, which was swathed in parti-colored cloths, and otherwise rudely ornamented, I was met by the rajah and conducted within, where, surrounded by his nobles, and in the midst of his people, I sought in fitting phrase to make formal presentation of the gifts of the United States Government. He wore the court uniform of a Siamese phya, or high nobleman. In his hands I placed the magazine rifle, and on his left breast I fastened the medal of honor. He seemed proud of his distinction, and expressed his warmest thanks and acknowledgments.

At the Malay banquet which followed, I proposed two sentiments, one to His Majesty the King of Siam, and the other to the President of the United States. I need hardly say they were drank with enthusiasm.

On board the steamer at a later hour I entertained the rajah, who expressed with feeling his admiration for the great American Republic, and for all who called themselves Americans.

In the afternoon bull-fights and buffalo races, Malay theatricals, and dances were served for our delectation.

At night-fall the Volante weighed anchor and started northward; the rajah and his fleet meanwhile convoying us to the outer sea, where, amid firing guns and dipping standards, we waved adieus and separated.

At Singora and Champoù we called for supplies. The governors satisfied our wants and tendered courtesies.

The last-named point, where the Champou River debouches into the China Sea, is the eastern terminus of the projected French ship-canal through the peninsula. Its prospects are now even more dubious than Panama.

After a fifteen days' absence, and a sunny view of what to most travelers is a *terra incognita*, I arrived at my post this morning and make report hereof.

It may be proper to add that His Majesty the King of Siam has taken especial interest in my mission, and has expressed great pleasure that one of his governors has been thus honored.

It is believed now throughout tropical Asia that the United States will hold in grateful memory that sovereign or subject who may befriend shipwrecked American seamen.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 30.]

GENERAL JOHN A. HALDERMAN, UNITED STATES MINISTER.

Extracts from local journal.

The United States Government sent on to its minister here some valuable and useful presents, to be by him presented to the rajah of Tuluban. Tuluban is a small Malay province on the east of the Gulf of Siam, under the jurisdiction of the larger Malay province known as Saiburi, which is tributary to Siam, and on the west it is washed by the Bay of Bengal. When the presents were received the United States minister brought the subject to the notice of the Siamese Government. The Siamese Government was manifestly pleased that the great United States Government had thus signally honored one of its petty provincial governors, and placed the steam-yacht Volante at the disposal of the United States minister to enable him to visit Tuluban and personally hand to the governor the presents from the United States Government. Such tokens of appreciation to the officials of native states for their kindness to shipwrecked and distressed foreigners cannot fail to produce the best of impressions and dissipate the piratical tendencies of barbarous races to plunder and maltreat the unfortunate, the helpless, and the distressed.

The governor of Tuluban, as well as the Siamese Government, was highly pleased with this flattering token of appreciation from a mighty nation. Our readers will be pleased with the sketches of an eye-witness of the trip and the ceremonies.

UNITED STATES MINISTER'S VISIT TO TULUBAN.

Many of our readers will remember that in November, 1880, the American bark Coringa was wrecked on the coast of Siam, between Patani and Kalantan, near a small village called Tuluban, under the authority of the governor of Saiburi. The shipwrecked crew received every kindness at the hands of the people of the place, and the governor of the province took into his own house the master and his family, and entertained them most hospitably. In recompense of these kindnesses to distressed citizens, the Government of the United States had struck a very handsome gold medal, with a clasp of the same metal, bearing the inscription, "Presented to his highness the rajah of Tuluban, for services rendered the officers and crew of the American bark Coringa." On the reverse was the figure of liberty, and the words "From the President of the United States." An express rifle of .50 caliber, manufactured in their best style by the celebrated Winchester Arms Company, beautifully decorated with rich gold chasing, and bearing similar inscription, with case and all the usual fittings, was also prepared. These presents were to be bestowed on the kind-hearted Siamese who had so handsomely entertained and cared for the distressed mariners, as a token of the gratitude of the United States for kindness rendered to her citizens when required. These gifts were sent to his excellency, General Halderman, the United States minister, for presentation to the official for whom they were designed. The place of the governor's residence being out of the usual course of travel, His Majesty the King placed at the disposal of his excellency the United States minister, the dispatch steamer Volante, to enable him to proceed to the village and carry out the instructions of his Government, and his excellency embarked with his suite on the 14th instant. The steamer was under the command of Captain Yah, one of the oldest and most experienced commanders in the Siamese navy, and well and faithfully did the old veteran discharge the difficult and onerous duties confided to him. The Siamese Government was represented by Kun Bin, a younger son of the prime minister, a young gentleman of great promise and one likely to achieve future eminence in the King's service. Mr. A. Balfour, superintending engineer of the Siamese navy, also accompanied the expedition. The Volante arrived at the Isthmus of Kraw on the morning of the 16th, and after some necessary repairs to her machin-

ery left for Singora on the 17th, arriving on the afternoon of the 19th April. Here a delay of some three days took place, to allow the dispatch of an express to Tuluban to warn the governor of the coming of his distinguished guest and enable him to make suitable arrangements for his reception. The minister and his retinue took up their quarters at the palace of his excellency the kralahome, situated on the beach within the inner harbor, where they received every attention at the hands of the venerable governor and his two grandsons. The lieutenant-governor of Singora was detailed to accompany his excellency the minister to Tuluban. Leaving Singora on the 21st the Volante arrived at Tuluban on the 22d, and entered the river, lying at anchor about one-half a mile inside. The governor came on board at once to pay his respects to the minister, and the visit was returned at his official residence later in the day. On the 23d the official presentation of the gifts took place after a few appropriate remarks from the minister. A grand banquet was served in the Malay fashion, to which the guests did ample justice, and at which the healths of His Majesty the King of Siam and the American President were drank with enthusiasm. The governor revisited the steamer in the afternoon, and after refreshments had been served invited his excellency and suite to a grand bull-fight, which took place on the esplanade bordering the river. The same evening the Volante left the river on her return trip, arriving here on the morning of the 29th, after an absence of eleven days.

No. 485.

Mr. Halderman to Mr. Frelinghuysen.

No. 53.] LEGATION OF THE UNITED STATES,
Bangkok, August 20, 1883. (Received October 8.)

SIR: The French engineers, headed by Captain Bellion, of the French navy, sent out by De Lesseps and the Suez Canal Company, to make survey of the Isthmus of Kraw, in the interest of a projected ship canal uniting the waters of the Bay of Bengal and the Gulf of Siam, have, it is understood by those who know, completed their work, and gone home.

It is safe to affirm that they report *against* the practicability of the scheme.

I have, &c.,

JOHN A. HALDERMAN.

No. 486.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No. 63.] LEGATION OF THE UNITED STATES,
Bangkok, October 8, 1883. (Received December 1.)

SIR: I transmit herewith what purports to be the text of the new treaty of peace between France and Annam, concluded at Hué, on 25th August last, as published by the Saigon Independent, a reputable journal of French Cochin-China.

* * * * * * *

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 63.—Translation.]

TREATY OF HUÉ.

The Independent publishes the actual text of the treaty of Huć, as follows:

The following is the exact text of the peace preliminaries signed at Huć, on the 25th of August last.

Between the undersigned:

J. T. Harmand, commissioner-general, plenipotentiary of the French Republic, acting in the name of France, assisted by Messrs. Palasne de Champeaux, principal administrator of native affairs in Cochin-China, formerly chargé d'affaires of France, at Huć; Ory, head of the cabinet of the commissioner-general; De la Bastide, captain of engineers, aid-de-camp of the commissioner-general; Masse, administrator of native affairs in Cochin-China; Haitee, interpreter of the French Government in China, private secretary of the commissioner-general.

On the other hand, their excellencies Trân Dinh Tuc, first plenipotentiary, (Hiep Biên Dai Hoc Si) grand censor; Nguyên Trong Hiêp, second plenipotentiary; (Lai Bô Thurong tho), minister of the interior and foreign affairs of His Majesty the King of Annam, acting in the name of the Government of Annam, assisted by Huinh Huu Thurong (Song Biên Noi Câc), member of the privy council.

The following articles have been agreed upon:

ARTICLE I.

Annam recognizes and accepts the protectorate of France with the consequences of this kind of relations from the point of view of European diplomatic law; that is to say, that France shall preside over the relations of all foreign powers, including China, with the Government of Annam, which shall not have the right to communicate diplomatically with the said powers save through the medium of France.

ARTICLE II.

The province of Binh-Thuân is annexed to the French possessions in Lower Cochin-China.

ARTICLE III.

A military force shall permanently occupy the Deo-ngang chain of mountains, which ends at Cape Vunkina, together with the forts of Thuan-An and those of the entrance of the Huć River, which shall be reconstructed according to the pleasure of the French authorities. The forts are called in the language of Annam Hai Duon, Tran, Hai, Thai Duong, Trun Lang, Hap-chan, Lo Thau, and Luy Moi.

ARTICLE IV.

The Annamese Government shall immediately recall the troops sent to Tonquin, the garrisons of which shall be placed on a peace footing.

ARTICLE V.

The Annamese Government shall order the mandarins of Tonquin to resume their posts, shall appoint new incumbents for the vacant posts, and shall confirm, after a mutual understanding shall have been reached, the appointments made by the French authorities.

ARTICLE VI.

Provincial officers from the northern frontier of Binh Thuân to that of Tonquin (and by this latter we understand the Deo-ngang chain, which is to serve as a limit) shall act, as in the past, without being subject to French control, except as regards custom-houses or public works, and in general everything requiring special direction and the technical knowledge of European experts.

ARTICLE VII.

Within the above limits the Annamese Government shall declare open to the commerce of all nations, in addition to the port of Qui-Nhon, those of Tourane and Xuan Day. It shall subsequently be matter for discussion whether it will not be

advantageous to the two states to open other ports, and the limits of French concessions in open ports shall also be fixed. France shall keep officers there under the orders of the President of France at Hué.

ARTICLE VIII.

France may erect a light-house either at Cape Varela, or at Cape Padaran or at Poula Cecir, on the sea, according to the recommendations of a report to be prepared by French officers and engineers.

ARTICLE IX.

The Government of His Majesty the King of Annam engages to repair, the expense to be borne by both parties and after an understanding between the two high contracting parties, the high-road from Hanoi to Saigon, and to keep it in good condition, so that carriages may pass over it. France shall furnish engineers to superintend the construction of bridges, tunnels, &c.

ARTICLE X.

A telegraph line shall be established on this route and shall be worked by French officers. A part of the charges shall be paid over to the Annamese Government, which in return shall grant the land required for the stations.

ARTICLE XI.

There shall be at Hué a resident, who is an officer, of a very high rank. He shall not interfere in the internal affairs of the province of Hué, but he shall be the representative of the French protectorate under the control of the commissioner-general delegated by the Government of the French Republic, who shall preside over the foreign relations of the Kingdom of Annam, but who may delegate his authority, either in whole or in part, to the resident at Hué.

The resident of France at Hué shall be entitled to a private and personal audience with His Majesty the King of Annam, who shall not refuse to receive him, except for urgent reasons.

ARTICLE XII.

In Tonquin there shall be a resident at Hanoi, one at Haiphong, one in such maritime cities as may hereafter be founded, and one in the chief town of each large province. As soon as there shall be need of them, the chief towns of the secondary provinces shall likewise receive French officers, who shall be placed under the authority of the residents in the large provinces of which they are dependencies, according to the system of the administrative divisions of the country.

ARTICLE XIII.

The residents or the adjunct residents shall be aided by such assistants as may be necessary to them, and shall be protected by a French or native garrison sufficient to afford them perfect safety.

ARTICLE XIV.

The residents shall refrain from interfering in the details of the internal government of the provinces. The native mandarins of all classes shall continue to govern under their surveillance, but they may be changed at the request of the French authorities if they shall manifest an unfriendly disposition towards them.

ARTICLE XV.

French officers and employés of all classes belonging to the general service, such as posts and telegraphs, treasury, custom-houses, public works, French schools, &c., shall have official relations with the Annamese authorities through the medium of the residents only.

ARTICLE XVI.

The residents shall dispense justice in all civil, correctional, or commercial cases between Europeans of all nationalities and natives, between the latter and such Asiatic foreigners as may desire to enjoy the advantages of French protection.

Appeals from the decisions of the residents shall be made at Saigon.

ARTICLE XVII.

The residents shall control the police, the urban agglomerations, and their right of control over native officers shall be extended according to the developments of the aforesaid agglomerations.

ARTICLE XVIII.

The residents shall centralize, with the co-operation of the Quan-Bô, the tax service, and they shall exercise surveillance over the collection and use of the taxes.

ARTICLE XIX.

The recognized custom-houses shall be wholly intrusted to French collectors of customs. There shall be only maritime and frontier custom-houses, and these shall be established wherever there may be need of them. No complaint shall be received in connection with custom-houses on account of measures taken by the military authorities at Tonquin.

ARTICLE XX.

French citizens or subjects shall enjoy throughout Tonquin, and in the open ports of Annam, entire freedom as regards their persons and property. In Tonquin, and within the limits of the open ports of Annam, they may travel, settle, and own property without restraint. The same shall be the case with all foreigners claiming the benefit of French protection, either permanently or temporarily.

ARTICLE XXI.

Persons who, for scientific or other reasons, may desire to travel in the interior of Annam, shall not be authorized to do so otherwise than through the medium of the resident of France at Hué, of the governor of Cochin-China, or of the commissioner-general of the Republic in Tonquin. These authorities shall issue passports to them, which shall be presented to be viséd by the Annamese Government.

ARTICLE XXII.

France shall keep, so long as this precaution shall appear necessary to it, military posts along the Red River, so as to secure free travel thereon. It may likewise erect permanent fortifications wherever it may see fit.

ARTICLE XXIII.

France engages henceforth to guarantee the complete integrity of the states of His Majesty the King of Annam, to defend that sovereign against all rebellions from within and against all aggressions from without, and to maintain his just claims against foreigners.

France engages to drive the bands known as the Black Tents out of Tonquin without assistance from any other power, and thereby to secure the safety and freedom of commerce on the Red River.

His Majesty the King of Annam shall continue, as he has done heretofore, to direct the internal administration of his states, with such restrictions as are provided for by the present convention.

ARTICLE XXIV.

France likewise engages to furnish to His Majasty the King of Annam, all such inspectors, engineers, experts, officers, &c., as he may require.

ARTICLE XXV.

France shall consider everywhere, both at home and abroad, all Annamese as its actual protégés.

ARTICLE XXVI.

The present debt of Annam to France shall be considered as paid by the concession of Binh-Thuân.

ARTICLE XXVII.

Subsequent conference shall fix the portion to be allowed to the Annamese Government of the amount yielded by the custom-houses, telegraphs, &c., of the Kingdom, by the taxes and custom-houses of Tonquin, and by the industrial monopolies or enterprises that may be conceded to Tonquin.

The amount to be derived from these receipts shall not be less than 2,000,000 francs per annum.

The Mexican dollar and the silver coin of French Cochin shall be a legal tender throughout the Kingdom, together with the national money of Annam.

This convention shall be submitted to the approval of the President of the French Republic, and that of His Majesty the King of Annam, and its ratification shall be exchanged as speedily as possible. France and Annam shall then appoint plenipotentiaries, who shall meet at Huć, for the purpose of examining and settling all points of detail.

The plenipotentiaries appointed by the President of the French Republic and His Majesty the King of Annam shall decide in a conference upon the most advantageous commercial system of the two states, and shall establish the system of customs on the basis mentioned in Article XIX. They shall, moreover, examine all questions relative to monopolies in Tonquin, to concessions of mines, forests, salt-pits, and industries in general.

Done at Huć, at the legation of France, on the 25th day of the month of August, 1883 (23d day of the seventh Annamese month).

Signatures follow.

SPAIN.

No. 487.

Mr. Reed to Mr. Frelinghuysen.

[Extract.]

No. 150.] LEGATION OF THE UNITED STATES,
Madrid, December 18, 1882. (Received January 3, 1883.)

SIR: I have the honor to acknowledge the reception of your instruction No. 111,* approving the note addressed by Mr. Hamlin on the 26th September last, to the minister of state, protesting against the Spanish consular charge of 40 cents per head on cattle, and of 10 cents per ton on the cargoes of vessels leaving ports of the United States for those of Spain.

Two months and a half having elapsed since the above note was written and sent to the minister of state, and no reply having been received thereto, I deemed it proper to invite attention to the subject. I accordingly, when at the ministry of state, on the 9th instant, mentioned the matter to the subsecretary, Mr. Mendez de Vigo, who made a note of it and promised an early answer.

* * * * * * *

I find, on referring to the Spanish consular tariff, that the fee of 40 cents (2 *pesetas*) on cattle and 10 cents (50 *centimos*) on the cargo of vessels is put down in said tariff for the United States, while in European countries the charge is just one-half that amount, viz, 20 cents (1 *peseta*) per head on cattle and 5 cents (25 *centimos*) on the cargo of vessels. * * *

I have, &c.,

DWIGHT T. REED.

* Printed in Foreign Relations for 1882.

No. 488.

Mr. Frelinghuysen to Mr. Reed.

No. 126.] DEPARTMENT OF STATE,
Washington, January 11, 1883.

SIR: I have to acknowledge your No. 150, of the 18th ultimo, detailing your action in bringing the matter of the so-called "consular fees" exacted by Spanish consuls in the United States on cattle and cargoes shipped for Spanish ports, to the attention of the minister of foreign affairs.

Your action is commended. You will continue your attention to the subject, and, as opportunities arise, urge a speedy and favorable answer to the representations of this Government.

Referring to that portion of your dispatch in which you state that the rate imposed in European countries by the Spanish consular tariff is 20 cents (1 *peseta*) per head for cattle and 5 cents (25 *centimos*) per ton on the cargoes of vessels, while the rate imposed in the United States is twice that amount, or 40 cents (2 *pesetas*) on cattle and 10 cents (50 *centimos*) on cargoes, is it not true that all of America, Asia, and Africa come under the double rate, while European countries alone have the single rate of 20 cents and 5 cents on cattle and cargoes, respectively? Whether it is or is not the case that the double rate is thus charged on exports from Asia, Africa, and other parts of America, the position laid down in the Department's No. 111 is not thereby affected.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 489.

Mr. Frelinghuysen to Mr. Reed.

No. 127.] DEPARTMENT OF STATE,
Washington, January 12, 1883.

SIR: In continuance of correspondence heretofore touching the export tax of 40 cents per capita levied by the consuls of Spain in the United States upon shipments of cattle for Cuba and Porto Rico, I inclose herewith copy of a letter from the Secretary of the Treasury, showing that between December 2, 1881, and October 13, 1882, there have been collected by the Spanish vice-consul at Key West fees to the amount of $9,260 on 23,150 head of cattle exported to various Cuban ports.

It is to be noted that the Secretary of the Treasury describes this tax as collected "for affixing the vice-consul's signature to the manifests of the exporting vessels."

It is possible that there may be some inexactness in this statement. Article 48 of the Spanish consular tariff fixes this fee in connection with the *facturas* (invoices) of the shippers, which are to be presented to the consul and by him compared with the manifest and with copies of the *conscimientos* (bills of lading) given by the master of the vessel, to verify their correctness. Even in this light the transaction is open to the gravest objections as a virtual export tax; but if the fee is charged for

simple legalization of the manifest, in addition to the fee separately prescribed for such legalization, it is not only irrational but intolerable.

Your late dispatches indicate a disposition on the part of his excellency the Marquis de la Vega de Armijo to examine the question in the light of equity and international right and comity. It is hoped that a favorable decision in this regard is not far distant; for, in the absence of a recognition by Spain of the justice of our contention, this Government will be reluctantly forced to consider measures whereby a retaliatory charge may be imposed on the Spanish shipments to the United States.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 127.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
January 8, 1883. (Received January 10.)

SIR: I have the honor to transmit herewith for your information, and such action as you may deem necessary, a copy of a letter dated the 22d ultimo, with two inclosures from Mr. E. Hubbs, a special agent of this Department, from which it appears that a tax of $9,260 has been collected by the Spanish vice-consul at Key West, Fla., on 23,150 head of cattle, exported from that port since November, 1881, to various Cuban ports by our merchants, and that this tax was levied in the shape of fees, at the rate of 40 cents per head, for affixing the vice-consul's signature to the manifests of the exporting vessels.

Very respectfully,

CHAS. J. FOLGER,
Secretary of the Treasury.

Mr. Hubbs to Mr. Folger.

OFFICE OF SPECIAL AGENT TREASURY DEPARTMENT,
Saint Augustine, Fla., December 22, 1882.

SIR: I have the honor to forward the inclosed report and letter from Special Employé James M. Currie, and submit the subject-matter thereof for your information.

I would be much gratified with a reply at the convenience of the Department, as the question seems to be a vexed one.

Very respectfully,

ETHELBERT HUBBS,
Special Agent in charge.

Mr. Currie to Mr. Hubbs.

JACKSONVILLE, FLA., *December* 14, 1882.

SIR: My attention was some time since called to the fact that the Spanish vice-consul at Key West charges a fee of 40 cents per head for affixing his official signature to manifests of cargoes of beef cattle destined to Cuban ports.

While at Key West, recently, I called upon the consul, who informed me that an old tariff fixed the fee at that rate: that later instructions directed him to collect 10 cents per ton, but that he, believing this to be an error, had continued to collect at the old rate, 40 cents per head, and that his action had been reported to his Government, but that no instructions had yet been received on the subject. He also informed me that he charges the same rate on horses, and that the rate for sheep is 4 cents per head.

This is a burdensome tax on our stock-dealers, and aggregates a large sum, as will be seen by the inclosed statement of cattle shipments from the port of Key West since November 22, 1881, furnished by the collector of that port.

From this inclosure it will be seen that during the period named the schooner Arieties cleared with 100 head of cattle; schooner Sarah Hall, with 1,152 head; Spanish steamship Habanero, with 275 head; steamship Ellie Knight, with 5,716 head; schooner Alice Vane, with 100 head; schooner Palma, with 97 head; schooner Asa Eldridge, with 1,305 head; steamship Alabama, with 9,258 head; Spanish steamship Guillermo, with 875 head; steamship Lucy P. Miller, with 4,272 head; a total of 23,150 head, at 40 cents per head, amounting to $9,260 export duty paid by American stock-dealers.

By what right does a foreign official, within our own borders, collect an export tax on American products?

Very respectfully,

J. M. CURRIE.

Memorandum of cattle shipped from the district of Key West, Fla., to Cuban ports from November 22, 1881, to November 27, 1882.

Date.	Name of vessel.	Number of head.	Value.	Destination.
1881.				
Dec. 2	Le Arieties	100	$1,200	Nuevitas, Cuba.
4	Sarah Hall	126	1,900	Havana, Cuba.
1882.				
May 14	do	130	2,000	Do.
20	do	130	2,000	Do.
June 7	do	130	2,000	Do.
23	do	130	1,800	Do.
July 9	do	130	2,100	Do.
21	do	123	2,100	Do.
Aug. 14	do	123	2,100	Do.
Nov. 23	do	130	2,200	Do.
		1,152	18,200	
1881.				
Dec. 6	Spanish steamship Habanero	275	4,000	Nuevitas, Cuba.
26	Steamship Ellie Knight	98	2,940	Havana, Cuba.
1882.				
Jan. 19	do	163	4,890	Do.
Feb. 5	do	177	5,310	Do.
May 9	do	324	4,698	Do.
May 15	do	330	4,620	Do.
24	do	326	4,564	Do.
June 8	do	325	4,450	Do.
12	do	325	4,450	Do.
16	do	375	4,550	Do.
23	do	325	4,550	Do.
28	do	330	4,620	Do.
July 23	do	324	4,536	Do.
27	do	326	4,550	Do.
Aug. 1	do	330	5,045	Sagua la Grande, Cuba.
15	do	313	4,500	Do.
27	do	310	4,400	Do.
Sept. 26	do	300	4,200	Do.
Nov. 10	do	160	3,000	Do.
19	do	255	3,500	Do.
27	do	300	4,500	Do.
		5,716	87,873	
1881.				
Dec. 30	Schooner Alice Vane	100	1,600	Havana, Cuba.
1882.				
April 1	Schooner Palma	97	1,400	Do.
11	Schooner Asa Eldridge	129	2,015	Do.
May 14	do	130	2,210	Do.
31	do	130	2,210	Do.
June 12	do	129	2,210	Do.
26	do	130	2,210	Do.
July 7	do	131	2,310	Do.
20	do	130	2,300	Do.
Aug. 1	do	130	2,400	Do.
30	do	129	2,400	Do.
Nov. 17	do	137	2,200	Do.
		1,305	22,665	

Memorandum of cattle shipped from the district of Key West, Fla., &c.—Continued.

Date.	Name of vessel.	Number of head.	Value.	Destination.
1882.				
May 2	Steamship Alabama	500	$8,000	Havana, Cuba.
6	....do	450	8,500	Do.
12	....do	496	7,000	Do.
20	....do	495	8,000	Do.
26	....do	526	6,390	Do.
30	.... do	442	7,514	Sagua la Grande.
June 4	....do	422	7,174	Havana, Cuba.
8	....do	496	8,432	Sagua la Grande.
11	....do	500	8,500	Havana, Cuba.
16	....do	510	8,772	Do.
22	....do	516	8,256	Do.
29	....do	416	7,072	Do.
July 3	....do	499	8,483	Sagua la Grande.
5	....do	500	8,500	Havana, Cuba.
12	....do	480	8,160	Cardenas, Cuba.
18	....do	486	8,262	Sagua la Grande.
24	....do	502	8,534	Do.
Aug. 1	....do	516	8,774	Havana, Cuba.
7	....do	500	8,500	Do.
		9,258	150,823	
1882.				
June 20	Spanish steamship Guillermo	450	7,200	Nuevitas, Cuba.
26	....do	425	7,229	Do.
		875	14,429	
1882.				
July 4	Steamship Lucy P. Miller	284	4,260	Havana, Cuba.
9	....do	320	5,120	Do.
11	....do	320	5,120	Do.
20	....do	277	4,709	Do.
25	....do	300	5,000	Do.
Aug. 2	....do	280	4,760	Do.
9	....do	300	5,100	Do.
14	....do	299	5,083	Sagua la Grande.
22	....do	289	4,913	Gibara, Cuba.
Sep. 2	....do	261	4,437	Sagua la Grande.
7	....do	296	5,032	Do.
13	....do	302	5,134	Do.
21	....do	286	4,862	Do.
Oct. 3	....do	211	3,587	Havana, Cuba.
13	....do	247	4,200	Do.
		4,272	71,417	

RECAPITULATION.

Name of vessel.	Number of head.	Value.
Schooner Arieties	100	$1,200
Schooner Sarah Hall	1,152	18,200
Spanish steamship Habanero	275	4,000
Steamship Ella Knight	5,716	87,873
Schooner Alice Vane	100	1,600
Schooner Palma	97	1,400
Schooner Asa Eldridge	1,305	22,665
Steamship Alabama	9,258	150,823
Spanish steamship Guillermo	875	14,429
Steamship Lucy P. Miller	4,272	71,417
Total	23,150	373,607

From this inclosure it will be seen that during the period named the schooner Arieties cleared with 100 head of cattle; schooner Sarah Hall, with 1,152 head; Spanish steamship Habanero, with 275 head; steamship Ellie Knight, with 5,716 head; schooner Alice Vane, with 100 head; schooner Palma, with 97 head; schooner Asa Eldridge, with 1,305 head; steamship Alabama, with 9,258 head; Spanish steamship Guillermo, with 875 head; steamship Lucy P. Miller, with 4,272 head; a total of 23,150 head, at 40 cents per head, amounting to $9,260 export duty paid by American stock-dealers.

By what right does a foreign official, within our own borders, collect an export tax on American products?

Very respectfully,

J. M. CURRIE.

Memorandum of cattle shipped from the district of Key West, Fla., to Cuban ports from November 22, 1881, to November 27, 1882.

Date.	Name of vessel.	Number of head.	Value.	Destination.
1881.				
Dec. 2	Le Arieties	100	$1,200	Nuevitas, Cuba.
4	Sarah Hall	126	1,900	Havana, Cuba.
1882.				
May 14	....do	130	2,000	Do.
29	....do	130	2,000	Do.
June 7	....do	130	2,000	Do.
23	....do	130	1,800	Do.
July 9	....do	130	2,100	Do.
21	....do	123	2,100	Do.
Aug. 14	....do	123	2,100	Do.
Nov. 23	....do	130	2,200	Do.
		1,152	18,200	
1881.				
Dec. 6	Spanish steamship Habanero	275	4,000	Nuevitas, Cuba.
26	Steamship Ellie Knight	98	2,940	Havana, Cuba.
1882.				
Jan. 19	....do	163	4,890	Do.
Feb. 5	....do	177	5,310	Do.
May 9	....do	324	4,698	Do.
May 15	....do	330	4,620	Do.
24	....do	326	4,564	Do.
June 8	....do	325	4,450	Do.
12	....do	325	4,450	Do.
16	....do	375	4,550	Do.
23	....do	325	4,550	Do.
28	....do	330	4,620	Do.
July 23	....do	324	4,536	Do.
27	....do	326	4,550	Do.
Aug. 1	....do	330	5,045	Sagua la Grande, Cuba.
15	....do	313	4,500	Do.
27	....do	310	4,400	Do.
Sept. 26	....do	300	4,200	Do.
Nov. 10	....do	160	3,000	Do.
19	....do	255	3,500	Do.
27	....do	300	4,500	Do.
		5,716	87,873	
1881.				
Dec. 30	Schooner Alice Vane	100	1,600	Havana, Cuba.
1882.				
April 1	Schooner Palma	97	1,400	Do.
11	Schooner Asa Eldridge	129	2,015	Do.
May 14	.... do	130	2,210	Do.
31	....do	130	2,210	Do.
June 12	....do	129	2,210	Do.
26	....do	130	2,210	Do.
July 7	....do	131	2,310	Do.
20	....do	130	2,300	Do.
Aug. 1	....do	130	2,400	Do.
30	....do	129	2,400	Do.
Nov. 17	....do	137	2,200	Do.
		1,305	22,665	

bordering on the ocean. The single rate is for all the European states, and for Africa and Asia bordering on the Mediterranean and Black Seas. * * *

I have, &c.,

DWIGHT T. REED.

No. 491.

Mr. Reed to Mr. Frelinghuysen.

No. 173.] LEGATION OF THE UNITED STATES,
Madrid, February 28, 1883. (Received March 17.)

SIR: Some days since I saw in the Madrid papers that several cases of trichinosis had occurred at Malaga, some of which it was alleged had been caused by the eating of raw ham proceeding from the United States.

At about the same time I received a dispatch from Mr. Marston, our consul at Malaga, dated the 18th instant, informing me of his action in the matter, and inclosing a copy of his telegram and of his dispatch upon the subject to the Department, dated the 14th instant.

In view of the very worthy and prompt action of Mr. Marston I did not deem it necessary for me to act here, but seeing in the papers of Saturday last that some of the persons attacked had died, and that the authorities at Malaga had under consideration the propriety of recommending the issuance of an order preventing the further importation of pork from the United States, and knowing how difficult it would be if the order was once issued to have it rescinded, I deemed it my duty to do what I properly could to prevent any such order from being issued. With this object in view I at once proceeded to the direction general of health, &c. (under the direction of the ministry of gobernacion), and not finding the director general in, asked to see the next officer in charge. This gentleman received me very courteously, and after explaining the object of my visit he advised me to write an unofficial note to the minister of gobernacion upon the subject, assuring me at the same time that it would receive prompt attention. This I did on Monday the 26th instant, inclosing for his further information two copies of the report on "American pork," made by Mr. Scanlan in 1881, under the direction of the Department of State. I beg to inclose a copy and translation of my note.

Last evening I received the reply of the minister of gobernacion (a copy and translation of which I also beg to inclose herewith), expressing thanks for the copies of the report, and informing me that up to the present time it had not been decided to introduce any changes whatever in regard to the sanitary formalities established for the introduction into Spain of pork proceeding from the United States, and adding that he proposed to make a careful study of the report which I sent him.

I feel quite certain that no order will be issued preventing the further importation of American pork. I am strengthened in this belief by the reception to-day of another dispatch from Mr. Marston, dated the 24th instant, inclosing a copy of a paragraph taken that morning from a Malaga paper stating that it had been ascertained that the cases of trichinosis were caused by the eating of *longanizas* (a kind of sausage), prepared by one José Diaz, of Galena, and that the pork or meats in his possession in which trichinæ were found had been burned, and strict orders given to prevent a recurrence of the evil.

I shall continue, however, to keep a careful watch, and should I have occasion so to do will make every effort to prevent any action by the authorities here detrimental to the introduction into Spain of this important article of our produce.

In closing this dispatch I beg to strongly commend the course pursued by Mr. Marston.

I have, &c.

DWIGHT T. REED.

[Inclosure 1 in No. 173.—Translation.]

Mr. Reed to the minister of gobernacion.

LEGATION OF THE UNITED STATES,
Madrid, February 26, 1883.

SIR: According to the newspapers it appears that there have lately occurred at Malaga several cases of trichinosis, some of which, it is alleged, were caused by eating ham imported from the United States, and that in consequence of this the authorities have under consideration the propriety of recommending the prohibition of further importation of pork, hams, &c., from that country.

In view of the above-mentioned statement I deem it my duty to inclose for your excellency's information two copies of a report giving the result of an investigation made in 1881, under the direction of the Department of State of the United States, in regard to American pork. This report explains very clearly how American swine is fattened, slaughtered, and prepared for the market, and how very impossible it is for the pork, hams, &c., to contain trichinæ.

While I know nothing in regard to the cases of trichinosis referred to, or of the intentions of the Government in regard to the matter further than what I have seen in the newspapers, my object in writing this note is to request, unofficially, your excellency's powerful aid in preventing the issuance of any order which would prohibit the importation into Spain of American pork, hams, &c.

Begging that your excellency will give the matter your early consideration, I avail, &c.

DWIGHT T. REED,
Chargé d' Affaires ad interim.

[Inclosure 2 in No. 173.]

Mr. Gallou to Mr. Reed.

MINISTRY OF GOBERNACION,
February 27, 1883.

SIR: I have received with much pleasure your polite letter dated 26th instant, and the two pamphlets which accompanied it.

I give to you my best thanks for your kindness, and I am able to state to you that up to the present moment it has not been decided to introduce any change in the sanitary formalities established for the introduction of pork proceeding from the nation you so worthily represent in this court.

I propose to make a careful study of said report; and, renewing my thanks, I am, &c.,

PIO GALLOU.

No. 492.

Mr. Frelinghuysen to Mr. Reed.

[Extract.]

No. 150.] DEPARTMENT OF STATE,
Washington, April 12, 1883.

SIR: Your No. 173, of the 25th of February last, in regard to the case of trichinosis at Malaga, which it was alleged was produced by eating American pork, and inclosing a copy of your note to the minister of gobernacion on the subject, and of his reply thereto, has been received.

It is probable that all the cases of alleged trichinosis from eating American pork which are sporadically reported in Europe from time to time would, if properly examined, prove to be as groundless as in the present instance.

Your action is approved. * * *

It is deemed proper that you should watch this matter carefully, and be prepared to address a note to the minister of state, immediately on the appearance of any agitation hostile to American pork in Spain.

Consul Marston's vigilance will be commended.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 493.

Mr. Frelinghuysen to Mr. Reed.

No. 151.] DEPARTMENT OF STATE,
Washington, April 14, 1883.

SIR: Referring to the advisability of adopting some measure of retaliation for the charges levied by the consuls of Spain in the ports of the United States, I have to inform you that Congress adjourned without making provision for the purpose in view, although a bill on the subject was introduced by Senator Call, of Florida. It will probably be pressed at the next session of Congress, unless the desired relief should sooner be obtained from Spain.

Meanwhile, in view of the importance of the matter, the frequency with which complaints in regard to these excessive charges are presented to the Department, the large sums of money collected from our shippers—especially cattle-shippers—and the urgent international question involved in this levy of a *per capita* tax on exports by Spain in the ports of another state, I must instruct you to lose no opportunity of impressing upon the minister of state the necessity of giving early heed to our just remonstrance.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 494.

Mr. Reed to Mr. Frelinghuysen.

No. 197.] LEGATION OF THE UNITED STATES,
Madrid, April 28, 1883. (Received May 21.)

SIR: In the Senate, on the 19th instant, Señor Güell y Rente, one of the Senators representing the island of Cuba, asked that the text of the treaty of commerce lately negotiated between the United States and Mexico be published in the Diario de Sesiones as an appendix, adding, at the same time, that he would be glad to see a similar treaty negotiated between the United States and Spain. His request was granted, and the text of the treaty was published in the Diario de Sesiones of that day.

In this connection, I beg to state that only a few days before Señor Güell y Rente called the attention of the minister of state to the importance of negotiating a commercial treaty with the United States, and the reply of the minister of state was such as to lead Señor Güell y Rente to believe that steps would soon be taken to negotiate such a treaty.

In his remarks on the 19th instant Señor Güell y Rente said that he had heard that the minister of ultramar had presented to the consideration of the council of ministers the day before (18th instant) a project of a treaty (I suppose in relation to Cuban productions), and he congratulated the minister of ultramar thereon, saying that he was sure that it being initiated by him and followed up by the minister of state with his accustomed activity, they (the Senators) would very soon have the pleasure of seeing the treaty negotiated, which was so necessary to the interests of the island of Cuba.

On the 24th instant the same Senator stated that in April of last year he asked the then minister of hacienda for a statement of the amount of wheat imported from the United States, Russia, and Egypt, with a view to showing that Spain did not produce a sufficient quantity of that product to feed her 18,000,000 of people. The statement, he went on to say, was furnished him when he undertook to induce the Government to allow the free introduction of wheat into Spain, because, to use his words, "the people were threatened with starvation." He then stated that the Government was on the point of granting his request, but, in August last, for some reason unknown to him, it was decided not to do so.

For the same reason Señor Güell y Rente then asked the present minister of hacienda for a similar statement of the amount of wheat imported from the countries above mentioned, and also a statement of the amount of Spanish wheat and flour exported, and especially the amount sent to the island of Cuba. He also asked a statement of the annual production of corn in Spain.

These statistics once obtained, Señor Güell y Rente stated that it was his purpose, if they did not show a sufficient production for home consumption, to present (if the Government has not within a few weeks made any progress towards negotiating a treaty of commerce with the United States) a proposition authorizing the minister of ultramar to negotiate a treaty of commerce with the United States similar to that negotiated with Mexico.

I have deemed it proper to report the above for your information, and I also deem it proper to add that upon two or three occasions when I have been at the ministry of state within the last month or two both the minister and the subsecretary have referred, unofficially, to the desirability of negotiating a treaty of commerce. In view of this, and of the interest which Cuba takes in the matter, it seems to me that if the United States desire to negotiate such a treaty, the time has arrived when it may be done.

The negotiations with Germany and Sweden and Norway for a commercial treaty, which came to a close some time since, have lately been renewed, and it is now thought, as each of the Governments have conceded something, that the treaties will be negotiated.

In the Senate yesterday Señor Güell y Rente congratulated the minister of state on the negotiation of the trade-marks convention with the United States.

I have, &c.,

DWIGHT T. REED.

No. 495.

Mr. Frelinghuysen to Mr. Foster.

No. 2.] DEPARTMENT OF STATE,
Washington, May 3, 1883.

SIR: I have to call your attention to the question of the release of the estates in Cuba belonging to citizens of the United States, which have been heretofore embargoed or confiscated, and the release or return of which has been directed by the Government of Spain.

The correspondence on this subject in your legation, extending over more than ten years, will give you full information as to the details of the matter and as to the position of the two Governments. It is not necessary, therefore, now to repeat the history of the occurrences in Cuba during the insurrection which led to the unusual and extreme action on the part of the Government of Spain of embargoing the estates of many residents of that island and of confiscating the estates of others, or of the subsequent negotiations. It is sufficient to say that when the orders touched the rights of American citizens, this Government promptly protested, and has never at any time recognized the legality of this action of the Spanish Government.

In 1871 a commission was appointed by agreement between the foreign departments of the two Governments, which was to settle claims of the citizens of the United States against the Government of Spain for wrongs and injuries committed against their persons and property by the authorities of Spain in the island of Cuba since the commencement of the insurrection. That commission soon assembled in Washington and claims were presented to it.

For the purpose of the present instruction it is only necessary to notice the claims based upon an embargo or confiscation. These cases present three items of claim:

1. For the release of the estates held by the Spanish Government.
2. For the return of the rents and profits actually received by Spain during the detention of the property and admitted to be in the hands of that Government.
3. Damages for the detention of the property.

In many instances, the statement of the case presented by the claimants through this Government to the commission contained a demand for indemnity on all three of these grounds, and Admiral Polo, then minister of Spain in Washington, contended that the entire question raised by the embargo was within the jurisdiction of the commission, to be finally decided by that body. To this Mr. Fish did not assent, and said in his note to Admiral Polo, of May 22, 1872:

> I beg to point out to you that the claims before the commission are for compensation for past injuries, and that the applications for the release of the estates are properly subjects for diplomatic intervention.

In another note to the Spanish minister, dated June 21, 1872, and referring to the case of Mrs. Farres de Mora, Mr. Fish said:

> It is the province of the commission to hear evidence on the claims of Mrs. de Mora for past injuries resulting from acts of the authorities in Cuba, and to award her pecuniary compensation if they shall find that she has suffered loss from that cause. The property which she now asks to have released is held under a summary order of the Government. An order of the Government can at once release it, and as no pecuniary claim can be preferred by the Government of Spain against her before the commission of arbitration, it is difficult to perceive why the release of her property should be made to depend on the final action of the commission.

In this connection, I beg to state that only a few days before Señor Güell y Rente called the attention of the minister of state to the importance of negotiating a commercial treaty with the United States, and the reply of the minister of state was such as to lead Señor Güell y Rente to believe that steps would soon be taken to negotiate such a treaty.

In his remarks on the 19th instant Señor Güell y Rente said that he had heard that the minister of ultramar had presented to the consideration of the council of ministers the day before (18th instant) a project of a treaty (I suppose in relation to Cuban productions), and he congratulated the minister of ultramar thereon, saying that he was sure that it being initiated by him and followed up by the minister of state with his accustomed activity, they (the Senators) would very soon have the pleasure of seeing the treaty negotiated, which was so necessary to the interests of the island of Cuba.

On the 24th instant the same Senator stated that in April of last year he asked the then minister of hacienda for a statement of the amount of wheat imported from the United States, Russia, and Egypt, with a view to showing that Spain did not produce a sufficient quantity of that product to feed her 18,000,000 of people. The statement, he went on to say, was furnished him when he undertook to induce the Government to allow the free introduction of wheat into Spain, because, to use his words, "the people were threatened with starvation." He then stated that the Government was on the point of granting his request, but, in August last, for some reason unknown to him, it was decided not to do so.

For the same reason Señor Güell y Rente then asked the present minister of hacienda for a similar statement of the amount of wheat imported from the countries above mentioned, and also a statement of the amount of Spanish wheat and flour exported, and especially the amount sent to the island of Cuba. He also asked a statement of the annual production of corn in Spain.

These statistics once obtained, Señor Güell y Rente stated that it was his purpose, if they did not show a sufficient production for home consumption, to present (if the Government has not within a few weeks made any progress towards negotiating a treaty of commerce with the United States) a proposition authorizing the minister of ultramar to negotiate a treaty of commerce with the United States similar to that negotiated with Mexico.

I have deemed it proper to report the above for your information, and I also deem it proper to add that upon two or three occasions when I have been at the ministry of state within the last month or two both the minister and the subsecretary have referred, unofficially, to the desirability of negotiating a treaty of commerce. In view of this, and of the interest which Cuba takes in the matter, it seems to me that if the United States desire to negotiate such a treaty, the time has arrived when it may be done.

The negotiations with Germany and Sweden and Norway for a commercial treaty, which came to a close some time since, have lately been renewed, and it is now thought, as each of the Governments have conceded something, that the treaties will be negotiated.

In the Senate yesterday Señor Güell y Rente congratulated the minister of state on the negotiation of the trade-marks convention with the United States.

I have, &c.,

DWIGHT T. REED.

No. 495.

Mr. Frelinghuysen to Mr. Foster.

No. 2.] DEPARTMENT OF STATE,
Washington, May 3, 1883.

SIR: I have to call your attention to the question of the release of the estates in Cuba belonging to citizens of the United States, which have been heretofore embargoed or confiscated, and the release or return of which has been directed by the Government of Spain.

The correspondence on this subject in your legation, extending over more than ten years, will give you full information as to the details of the matter and as to the position of the two Governments. It is not necessary, therefore, now to repeat the history of the occurrences in Cuba during the insurrection which led to the unusual and extreme action on the part of the Government of Spain of embargoing the estates of many residents of that island and of confiscating the estates of others, or of the subsequent negotiations. It is sufficient to say that when the orders touched the rights of American citizens, this Government promptly protested, and has never at any time recognized the legality of this action of the Spanish Government.

In 1871 a commission was appointed by agreement between the foreign departments of the two Governments, which was to settle claims of the citizens of the United States against the Government of Spain for wrongs and injuries committed against their persons and property by the authorities of Spain in the island of Cuba since the commencement of the insurrection. That commission soon assembled in Washington and claims were presented to it.

For the purpose of the present instruction it is only necessary to notice the claims based upon an embargo or confiscation. These cases present three items of claims:

1. For the release of the estates held by the Spanish Government.
2. For the return of the rents and profits actually received by Spain during the detention of the property and admitted to be in the hands of that Government.
3. Damages for the detention of the property.

In many instances, the statement of the case presented by the claimants through this Government to the commission contained a demand for indemnity on all three of these grounds, and Admiral Polo, then minister of Spain in Washington, contended that the entire question raised by the embargo was within the jurisdiction of the commission, to be finally decided by that body. To this Mr. Fish did not assent, and said in his note to Admiral Polo, of May 22, 1872:

> I beg to point out to you that the claims before the commission are for compensation for past injuries, and that the applications for the release of the estates are properly subjects for diplomatic intervention.

In another note to the Spanish minister, dated June 21, 1872, and referring to the case of Mrs. Farres de Mora, Mr. Fish said:

> It is the province of the commission to hear evidence on the claims of Mrs. de Mora for past injuries resulting from acts of the authorities in Cuba, and to award her pecuniary compensation if they shall find that she has suffered loss from that cause. The property which she now asks to have released is held under a summary order of the Government. An order of the Government can at once release it, and as no pecuniary claim can be preferred by the Government of Spain against her before the commission of arbitration, it is difficult to perceive why the release of her property should be made to depend on the final action of the commission.

The position so taken by Mr. Fish has been consistently maintained by the United States, and while at first opposed by Spain, its validity was soon conceded.

In 1873 (July 12) the Government of Spain published a decree admitting the illegality of the embargoes and confiscation and the justice of the position of the United States. In the preamble to this decree it is said:

> There cannot be found in international law any precept or principle authorizing this class of seizures, which bear upon their face the stamp of confiscation; neither, under any sound judicial theory, is it admissible to proceed in such manner, nor can the exceptional state of war authorize under any pretext the adoption of preventive measures of such transcendent importance, and whose results, on the other hand, will inevitably be diametrically opposed to the purpose which inspired it.

The decree directed the release of all estates embargoed by executive order in consequence of the decree of April 20, 1869, and the principles there set forth have been recognized repeatedly since that date through the action of the Spanish Government.

The Government of the United States, in addition to the presentation of the general question of the release of the estates, has not failed to continually press upon the attention of Spain the individual cases which have from time to time come to its notice. Pursuant to our representations the minister of the colonies, on the 7th November, 1873, telegraphed to the governor-general at Havana:

> I salute your excellency, and reiterate compliance with the telegram of the 15th September, relating to the restoration, in obedience to treaties in force, of the property of North American foreigners; said restorations before the 30th November, in order to avoid international conflicts. The names of the citizens whose estates have to be restored in conformity to the decree of the 12th July are—

and here follows a list of some twenty-five names, among them those of individuals then, and some of them until January 1, 1883, claimants before the commission. Some of the estates have been released, but as to others the distinct directions contained in the decree and the telegram were not complied with.

It is unnecessary to rehearse the long discussion which followed, and it is enough to say that the position of this Government has not changed, and no effort has been spared to secure the final and amicable adjustment which would have resulted from an enforcement of the decree of 1873 in the spirit in which it was made. Further, it may be observed, in order to show the consistent course of negotiation, that on February 9, 1876, orders were repeated by the Government at Madrid to restore the property of four American citizens, claimants before the commission, and at still later dates other similar orders were issued, and as late as 1879 the estates of de Rojas were restored to him pursuant to the continued representations of Mr. Evarts, de Rojas being at that time a claimant before the commission.

The return of the revenues or proceeds of embargoed property, when actually collected by Spain, has always been regarded by both Governments as an incident to the release of the estates, leaving to the commission only jurisdiction over the amount of damage caused by the embargo or confiscation. On this ground Spain has paid to the claimants various sums of money.

At no time is it found that the Spanish Government seriously contended for or that the United States admitted any judicial power in the commission to decide upon the original question of embargo and confiscation or restoration. The commission itself repeatedly held that it had no power to decree the restoration of property, or of the proceeds

of property, or to enforce any opinion it might give in regard thereto. And such denial of jurisdiction, even though cases before the commission were discussed therefor, in nowise prejudiced the claimant's right to the executive redress which the commission could not give.

Neither could the question of citizenship, as interpreted by the commission, affect the rights of American citizens to executive release from embargo for all purposes for the release of their property and the return of the proceeds. The citizenship of the claimants was admitted in the several supreme decrees ordering restoration, and on such purely executive ground our right to ask the execution of those decrees rests. As the commission had no power to weaken them, and still less set them aside by judgments contrary thereto, its want of jurisdiction as to such decrees was absolute, although they might be properly before it as *evidence* in cases where damages were claimed by reason of their non-execution.

It is not necessary for me to remind you that while this Government has for many years urged diplomatically the release of the estates and the return of the collected revenues, it has at the same time demanded awards before the commission, as was observed in Admiral Polo's note to Mr. Fish of May 28, 1872. Most of the petitions before that body embraced, besides the claim for damages, a claim for the release of the estates and return of the proceeds collected, or suitable compensation in lieu thereof, but the fact that such claim was included in the petition to the commissioners was not regarded by either Government as a bar to diplomatic negotiation. The understanding of the two Governments on this point is clearly shown by the action of Spain in publishing the decree of 1873, and the subsequent orders, and in carrying out their provisions in various instances. In 1874 the estates of Joaquin Angarica were released, and a large sum of money was returned to him. Moses Taylor & Co. received their estates and nearly $100,000 of collected revenue, and the embargoed estates of de Rojas were restored in 1879. All of the persons thus relieved and others whom it is unnecesary to mention had claims before the commission. Of course, after the return of the estates and proceeds, only that part of the claims relating to damages for detention remained before that body, and Angarica, Domingues, and Poey received an award on that item of their claims. In the case of Delgado the estates were returned by the Government of Spain, and by an oversight an award was also made by the commission in his favor. The claimant therefor was allowed to elect from the two remedies granted.

A review of the correspondence, therefore, shows that this Government has maintained, and Spain has admitted, that the claims for the release of the embargoed property and proceeds were subjects for diplomatic discussion, and not properly within the jurisdiction of the commission; that the decree of July 12, 1873, and the orders subsequent thereto, provided for the unconditional release of the property seized; that the restitution of the property involves the restitution of the proceeds collected by Spain; that the commission was established to assess damages, and not to enforce restitution of the estates and proceeds.

This brief allusion to the long-continued correspondence between the two Governments on this question is not made as a statement of any new principle, but to show that the course of this Government and Spain, in relation to this class of claims, has been harmonious and consistent.

Reference has been made to the decisions of the commission to the effect that it had no jurisdiction as to the restoration of the property or proceeds thereof seized by the Cuban authorities, and also to the

fact that while a number of the persons whose names were embraced in the several decrees of restoration were claimants before the commission, their appearance before that tribunal has in nowise affected their right to the restitution of their property and its proceeds. Now that the commission has completed its labors and its results are fully known, there would seem to be no further occasion for delay on the part of His Majesty's Government in complying with the repeated and urgent request of the Government of the United States for the complete restoration of the estates of its citizens, in accordance with the various decrees of the Spanish Government.

While this Government is not disposed to press claims for the value of slaves seized by the Cuban authorities, it recognizes the injustice of permitting those authorities to enjoy the fruits of the seizure from the claimants, and the propriety of a voluntary compensation being made therefor. The question is one to be considered in the cases as they arise, and as to which further instructions will be sent you should there be occasion. One of the claimants has offered to surrender his claim for slaves provided the authorities stipulate to emancipate them, an offer which seems to be just and worthy of careful consideration.

I have, therefore, to instruct you to bring the subject, with as little delay as possible, to the attention of the supreme Government at Madrid, and to present an urgent request for the enforcement of the decrees of release in all cases where the estates or their proceeds are still withheld by the officials in Cuba, notwithstanding the express and reiterated directions of the home Government to return the property to its rightful owners. After so many years of diplomatic correspondence and repeated postponement in a matter wherein the rights of American claimants have been so completely recognized by the solemn decrees of the Spanish Government, the President feels that he will not be disappointed in the expectation which he entertained that His Majesty's Government will give the subject its earnest and prompt attention, with a view to an early and complete compliance with the long unexecuted decrees.

The records of the legation contain detailed information as to the claimants still entitled to the benefits of the decrees alluded to, and you will be furnished with such additional information in the possession of this Department as will enable you to submit to the minister of foreign affairs an accurate statement of the property still claimed to be withheld by the Cuban authorities.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 496.

Mr. Reed to Mr. Frelinghuysen.

[Extract.]

No. 221.] LEGATION OF THE UNITED STATES,
Madrid, May 28, 1883. (Received June 15.)

SIR: Referring to my previous dispatches in regard to the so-called "Spanish consular fee" exacted by consuls of Spain in ports of the United States on the cargoes of vessels, and on cattle shipped to Spanish ports, I have now the honor to inclose herewith for your informa-

tion a copy and translation of a note from the minister of state, dated the 20th instant, and received by me late in the evening of the 26th, in reply to the notes of the legation upon the subject, dated the 26th and 29th of September last.

The note, after undertaking to justify the so-called "consular fee," states that the Government of His Majesty, desiring to avoid, so far as possible, and within its power, anything which may lead to annoying discussions between the two Governments on the question, makes the following proposition, viz:

> To change the form in which the state receives said fee of ten cents per ton, by ordering that instead of its being collected at the Spanish consulates established in the territory of the Union, it be exacted by the administrators of the national custom-houses at the port of the vessel's destination. * * * This [the minister of state further says] will do away with all pretext for considering as an extra limitation of facilities the collection of said fee in the ports of the United States.

In regard to Mr. McKay's case, the note also undertakes to explain how he was called upon to pay forty cents per head on the cattle shipped by him, but it is silent as to the request made to return the amounts which he was obliged to pay.

It would also seem by the note that the cattle-head tax was established by the royal order of the 18th October, 1876 (this order was referred to in your instruction No. 111), which suppressed Articles 48, 49, 50 and 51 of the Spanish consular tariff of July 15, 1874, and substituted for the tariff therein provided for a uniform charge of 10 cents per ton or fraction of a ton on the cargoes of vessels leaving the United States for Spanish ports.

The note further states that in consequence of changes made at the consular agency at Key West, the subordinate officers who have had charge of that consulate have been ignorant of the order of the 18th of October, 1876, above referred to, but that instructions have now been given to desist in the future from exacting the old fee, and to collect the fee provided for by the said royal order, viz, at the rate of 10 cents per ton. In other words, the note confesses that the fee of 40 cents per head on cattle paid by Mr. McKay was charged owing to the ignorance of the Spanish consular officers. It, therefore, goes without saying that the money thus wrongfully collected of Mr. McKay must be returned to him.

I inclose a copy of my note, dated to-day, to the minister of state, in which I simply informed him that I have transmitted a copy of his note to Washington for the information and consideration of my Government.

* * * * * * *

As will be perceived, the minister of state awaits your reply to the Spanish proposition before giving the necessary orders to carry it into effect.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 221.—Translation.]

Marquis de la Vega de Armijo to Mr. Reed.

MINISTRY OF STATE,
Madrid, May 20, 1883.

MY DEAR SIR: I had the honor to receive the notes which the legation under your worthy charge was pleased to address me on the 25th and 29th of September ultimo, presenting the claim of Mr. McKay, resident in the State of Florida, against the

fact that while a number of the persons whose names were embraced in the several decrees of restoration were claimants before the commission, their appearance before that tribunal has in nowise affected their right to the restitution of their property and its proceeds. Now that the commission has completed its labors and its results are fully known, there would seem to be no further occasion for delay on the part of His Majesty's Government in complying with the repeated and urgent request of the Government of the United States for the complete restoration of the estates of its citizens, in accordance with the various decrees of the Spanish Government.

While this Government is not disposed to press claims for the value of slaves seized by the Cuban authorities, it recognizes the injustice of permitting those authorities to enjoy the fruits of the seizure from the claimants, and the propriety of a voluntary compensation being made therefor. The question is one to be considered in the cases as they arise, and as to which further instructions will be sent you should there be occasion. One of the claimants has offered to surrender his claim for slaves provided the authorities stipulate to emancipate them, an offer which seems to be just and worthy of careful consideration.

I have, therefore, to instruct you to bring the subject, with as little delay as possible, to the attention of the supreme Government at Madrid, and to present an urgent request for the enforcement of the decrees of release in all cases where the estates or their proceeds are still withheld by the officials in Cuba, notwithstanding the express and reiterated directions of the home Government to return the property to its rightful owners. After so many years of diplomatic correspondence and repeated postponement in a matter wherein the rights of American claimants have been so completely recognized by the solemn decrees of the Spanish Government, the President feels that he will not be disappointed in the expectation which he entertained that His Majesty's Government will give the subject its earnest and prompt attention, with a view to an early and complete compliance with the long unexecuted decrees.

The records of the legation contain detailed information as to the claimants still entitled to the benefits of the decrees alluded to, and you will be furnished with such additional information in the possession of this Department as will enable you to submit to the minister of foreign affairs an accurate statement of the property still claimed to be withheld by the Cuban authorities.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 496.

Mr. Reed to Mr. Frelinghuysen.

[Extract.]

No. 221.] LEGATION OF THE UNITED STATES,
Madrid, May 28, 1883. (Received June 15.)

SIR: Referring to my previous dispatches in regard to the so-called "Spanish consular fee" exacted by consuls of Spain in ports of the United States on the cargoes of vessels, and on cattle shipped to Spanish ports, I have now the honor to inclose herewith for your informa-

tion a copy and translation of a note from the minister of state, dated the 20th instant, and received by me late in the evening of the 26th, in reply to the notes of the legation upon the subject, dated the 26th and 29th of September last.

The note, after undertaking to justify the so-called "consular fee," states that the Government of His Majesty, desiring to avoid, so far as possible, and within its power, anything which may lead to annoying discussions between the two Governments on the question, makes the following proposition, viz:

> To change the form in which the state receives said fee of ten cents per ton, by ordering that instead of its being collected at the Spanish consulates established in the territory of the Union, it be exacted by the administrators of the national custom-houses at the port of the vessel's destination. * * * This [the minister of state further says] will do away with all pretext for considering as an extra limitation of facilities the collection of said fee in the ports of the United States.

In regard to Mr. McKay's case, the note also undertakes to explain how he was called upon to pay forty cents per head on the cattle shipped by him, but it is silent as to the request made to return the amounts which he was obliged to pay.

It would also seem by the note that the cattle-head tax was established by the royal order of the 18th October, 1876 (this order was referred to in your instruction No. 111), which suppressed Articles 48, 49, 50 and 51 of the Spanish consular tariff of July 15, 1874, and substituted for the tariff therein provided for a uniform charge of 10 cents per ton or fraction of a ton on the cargoes of vessels leaving the United States for Spanish ports.

The note further states that in consequence of changes made at the consular agency at Key West, the subordinate officers who have had charge of that consulate have been ignorant of the order of the 18th of October, 1876, above referred to, but that instructions have now been given to desist in the future from exacting the old fee, and to collect the fee provided for by the said royal order, viz, at the rate of 10 cents per ton. In other words, the note confesses that the fee of 40 cents per head on cattle paid by Mr. McKay was charged owing to the ignorance of the Spanish consular officers. It, therefore, goes without saying that the money thus wrongfully collected of Mr. McKay must be returned to him.

I inclose a copy of my note, dated to-day, to the minister of state, in which I simply informed him that I have transmitted a copy of his note to Washington for the information and consideration of my Government.

* * * * * * *

As will be perceived, the minister of state awaits your reply to the Spanish proposition before giving the necessary orders to carry it into effect.

I have, &c.,

DWIGHT T. REED.

[Inclosure 1 in No. 221.—Translation.]

Marquis de la Vega de Armijo to Mr. Reed.

MINISTRY OF STATE,
Madrid, May 20, 1883.

MY DEAR SIR: I had the honor to receive the notes which the legation under your worthy charge was pleased to address me on the 26th and 29th of September ultimo, presenting the claim of Mr. McKay, resident in the State of Florida, against the

consular duties which he was obliged to pay in the consulate of Spain at Key West, for the exportation of live-stock to Havana and other ports of the island of Cuba; for this reason and in compliance with the instructions of your Government you insist upon the arguments adduced in the note of the legation dated 9th January ultimo (7th January, 1882?), in regard to the especial character of those duties, the collection of which, in your opinion, could not be effected in any manner in the territory of the Union because of being considered as an export duty.

The Government of the King, my august sovereign, very much regrets to have to again treat with a question which it considered terminated, by its communication dated 29th May, ultimo, in which it answered at length the remarks of the legation, showing that the Spanish Government was justified in preparing the consular tariff in the terms now in force, by the fact of the other nations having acquiesced in said duty, since none of them had protested against it in spite of the number of years which had elapsed since their publication, and expressing its surprise at the irregular interpretation which the Anglo-American commerce gave to a measure which has not the offensive character attributed to it, nor which cannot be termed as inadmissible, as it will be seen if it is borne in mind that the duties named in the consular tariffs of all nations are, in fact, an export duty, although the form may be distinct, and under this conception the fixing of 50 reals per invoice by the United States, collected in the country from whence the merchandise is shipped, is such a duty, as is also that of 10 cents per 1,000 kilograms paid in accordance with the Spanish tariff in its foreign consulates, because the difference only exists in this tariff, being of a variable and proportional nature.

I must inform you, on the other hand, that if a calculation of the duty is made upon the entire cargo, it will be found that the Anglo-American tariff is greater than that of the Spanish, and if a comparison is made between the duty paid by the same cargo, in accordance with the provisions of the new customs regulations of the provinces of ultramar with the old duty paid upon manifests (*sobordos*), navigation at large has obtained an important reduction of duty.

It not being possible, on the other hand, to change a fiscal system which has been established for so many years without long and mature examination, and very especially without counting beforehand with sure means of compensating with new resources those which might be made the object of reforms more or less radical, always subject to the sanction of the legislative power, the Government of the King, my august sovereign, wishing to avoid, so far as possible and within its power, anything that might be productive of an annoying discussion arising from the distinct manner of judging and construing the dispositions at issue, has no inconvenience in changing the form in which the State receives said duty of 10 cents per ton, by giving orders that instead of its being collected at the Spanish consulates established in the territory of the Union, it be exacted by the administrators of the national custom-houses at the port of the ship's destination, thereby doing away with all pretext for considering as an extra-limitation of faculties the collection of said tax in the ports of the United States.

In regard to the claim presented by Mr. McKay against the consular agent at Key West, in exacting of him 40 cents for each head of cattle exported to ports in the provinces of ultramar, I must inform you that the necessary information relating to this fact was requested, this ministry suspecting that the irregularity complained of might have arisen out of the changes made in the service of that agency during the last year, which may account for the subaltern officers who have had charge of said agency not having knowledge of the disposition of the circular of 18th October, 1876, which suppressed the duty named in Articles 48, 49, 50 and 51 of the tariff promulgated on 15th July, 1874, and substituting them by the payment of 10 cents for each ton of 1,000 kilograms or fraction of a ton, which compose the invoices delivered by the shippers, to include them in the manifests which the captain must produce at the custom-houses at the port of destination, and the information requested having been obtained, the opportune orders have been given, in order that the exaction of the old duty may cease, and the collection may be made in accordance with the above-mentioned disposition.

I flatter myself that recognizing the importance of the matter and the necessity of obtaining certain information, you will not be surprised at the delay which has occurred in answering your notes, and I beg of you to be good enough to communicate to your Government the measures which that of Spain proposes to establish, in order to terminate the questions which have arisen, and in order to put them in execution, so soon as its answer is received.

I avail, &c.,

EL MARQUIS DE LA VEGA DE ARMIJO.

[Inclosure 2 in No. 221.]

Mr. Reed to Marquis de la Vega de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, May 28, 1883.

EXCELLENCY: I have the honor to acknowledge the reception of your excellency's note of the 20th instant, in which you are good enough to inform me (in answer to the notes of this legation of the 26th and 29th of September last) of the measures which the Government of His Catholic Majesty proposes to adopt in order to do away with the collection in ports of the United States by Spanish consuls of 10 cents per ton on the cargoes of vessels bound for Spanish ports, and of 40 cents per head collected on cattle shipped to the same ports.

In compliance with the request of your excellency, I beg to state that I have transmitted a copy of your note to Washington for the information and consideration of my Government, and on the reception of its reply no time will be lost by the legation in communicating it to your excellency.

I gladly avail, &c.,

DWIGHT T. REED.

No. 497.

Mr. Davis to Mr. Foster.

No. 24.] DEPARTMENT OF STATE,
Washington, June 23, 1883.

SIR: Mr. Reed's No. 221, of the 28th ultimo, has been received, and the reply of the Spanish Government therewith transmitted, in relation to the Spanish consular fee, has been considered.

I must express my disappointment that the matter, after so laborious a correspondence, during which the views of this Government have been most clearly set forth and consideration thereof promised by Spain, should now stand in the very unsatisfactory condition to which it is brought by the note of the Marquis de la Vega de Armijo of the 20th May.

The files of your legation contain such precise instructions on the points in dispute that I need do no more than refer you to the records for a full view of our position in the controversy. Briefly, however, we claimed that the fee imposed represented no clerical act of the consul and afforded no guarantee to the home Government that the invoices are themselves correct, or that they correspond with the manifest, and therefore that the charge of 10 cents per ton or 40 cents per head of cattle, when levied by the consul, amounted simply to an export tonnage or *per capita* tax levied by Spain within the territory of a friendly state. His excellency the Marquis de la Vega apparently admits the justice of the second stage of this argument, for he proposes to get rid of the question, so far as the practical levying of an export tax in foreign countries is concerned, by making the tax collectible within Spanish jurisdiction.

This proposition is one which can only be regarded with astonishment. Either the tax is a consular one, representing a fee for a service performed by a consular officer and applicable to the maintenance of the consular system, or it is nothing more than a revenue tax levied on exports from foreign ports for the benefit of the Spanish treasury. We have claimed, with strong support of argument, as we think, that the charge is not properly a consular one, but, in its nature and mode of payment, a revenue tax. The reply of the Spanish Government makes the charge in fact as well as in principle the very revenue tax we

claimed it to be and proposes to direct its collection in Spain. If the charge is in principle a proper consular charge, it is a proper one to be collected by the consuls themselves. If not a proper one to be collected by the consuls on their own behalf, propriety is not to be communicated to it by trusting the goods, so to speak, for the amount of the tax, until they come within Spanish jurisdiction.

My argument assumes that the charge, even if to be collected in Spanish jurisdiction, remains, in the judgment of the Spanish Government, a consular charge, and that the assumed right to collect it arises out of certain transactions to which the exporters, on the one hand, and the Spanish consul in the United States on the other, are respectively parties. In such a case this Government is unable to see that a change in the mere place of payment would change the nature of the fact in which the alleged obligation to pay originates. The objectionable tax would remain as before, in essence, an export tax *levied* in the United States, although its material *collection* may be performed in a Spanish port.

There is but one way in which the proposal to collect 10 cents per ton of cargo from the vessels of the United States in Spanish ports could be regarded as defensible under international law, and that is by abandoning altogether the sophistical contention that it is a consular fee, and collecting it as a distinct import tax, levied in Spanish ports, in addition to customs and other import dues prescribed by existing law. If so levied and collected on all foreign cargoes brought within Spanish jurisdiction, without distinction of flag, this Government could not controvert the perfect right of Spain to adopt such a measure; but it could not look with equanimity on any partial measure, the practical result of which would be the imposition of a discriminating duty of 10 cents per ton against the cargoes of vessels going from the United States to ports of Spain. The answer of the Marquis de la Vega is understood to propose the establishment of such a *de facto* discrimination. He says that the obnoxious tax, instead of being collected at the Spanish consulates in the United States, will be exacted by the collectors of customs at the port of destination. It does not appear that the modified form of collection is to apply to importations into Spain from any other country than the United States.

It seems necessary, even after all that has been heretofore said, to direct you to make clear to his excellency the Marquis de la Vega the difference between our consular fee for the verification of an invoice and the Spanish consular tax on the tonnage of the vessel's cargo.

The act of a United States consul in a foreign country, with respect to an invoice presented to him, is a distinct and responsible service destined to protect *bona fide* shippers and the revenue alike from frauds by undervaluation and otherwise.

The validity of the transaction is scrutinized at every step. The exporter must be known to the consul, he must appear before him and make oath that the descriptions and valuations of the goods are correct, and the consul must examine the prices given, and assure himself that the goods are honestly valued. The consul must, in certain cases, procure and forward to his own Government samples of his invoiced goods. The invoice is executed under oath in triplicate, one copy being recorded in the consulate, one copy being forwarded to the collector of customs at the port of destination, and the third being delivered to the exporter.

In event of there being ground to expect fraud or undervaluation, the consul must collect evidence as to the market value of the goods, and forward a report by the same mail to the collector at the port of desti-

nation. When the amount of clerical labor is considered, the United States charge of $2.50 for the entire operation, irrespective of the amount or value of the invoiced goods, is believed to be reasonable and just. It certainly corresponds, as a fee, to a service performed by the consul. The service being uniform, the fee is so likewise, and is paid by the person to whom the service is rendered.

The Spanish tax is wholly different. It purports to be for comparing the invoices and bills of lading with the vessel's manifest. It is a distinct fee from that for authenticating the manifest, for which from thirty to fifty *pesetas* ($6 to $10) is demanded. The bills of lading are submitted by the captain with his manifest, and are simply compared by the consul. I am unaware what useful purpose the operation subserves as a guarantee. If its effects were to establish under the consul's certificate the fact of conformity between a bill of lading and the ship's manifest, and so exempt the captain of the vessel from a vexatious fine when the goods are found to differ from the manifest weight or description, an object might be discerned worthy of consideration. But in any aspect of the case the service performed by the consul is practically invariable, while the fee varies and is computed on a basis wholly disconnected from the consular act, and bearing no conceivable logical relation thereto. The Spanish consular fee is, in short, a *pro rata* tax on the cargo of the vessel, and not a specific fee for a specific act performed by a Spanish officer.

Not only is the reply of the Marquis de la Vega unsatisfactory in its general aspect, but it is even more so with respect to the particular reclamations made for the return of the excessive capitation charged on cattle shipped from Key West by Mr. McKay and others. His excellency admits that the tax was wrongfully collected; that the circular of the 18th October, 1876, suppressed the charge of 40 cents *per capita* and substituted a tonnage tax of 10 cents, and that the unlawful collection of the old rates, notwithstanding their formal abrogation, has only recently been put a stop to.

It does not appear to this Government a sufficient or just reparation for a wrongful act admittedly perpetrated by the Spanish officers of the consulate at Key West since 1876 to give orders that hereafter the wrongful tax shall not be collected. The case is conceived to be one where no less a reparation than the return of the illegally collected excess could satisfy either the right pertaining to the United States or the high sense of justice of Spain. It will doubtless be enough for you to call the attention of the minister of state to this point to insure the cheerful correction of the oversight, and a prompt offer to refund the overcharge in question.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 498.

Mr. Foster to Mr. Frelinghuysen.

No. 14.] LEGATION OF THE UNITED STATES,
Madrid, July 12, 1883. (Received July 30.)

SIR: In view of the importance attached by you to the adjustment of the unsettled claims of American citizens growing out of the embargo of their estates in Cuba during the insurrection in that island, I took

the earliest practicable opportunity, after I had assumed the charge of this legation, to act upon the instructions which you had given me upon the subject.

In the interview which I had with the minister of state upon the 30th ultimo, I referred to these claims and said that within a few days I would submit them to his consideration.

The Marquis de la Vega de Armijo replied that, as the Cortes would probably not adjourn until near the last of July, and he would not take his expected vacation till after the adjournment, he hoped to be able to give the subject his consideration before leaving the capital. The subsecretary, Mr. Mendez de Vigo, who was present, expressed the supposition that all these claims were disposed of by the late commission.

I briefly refuted that idea, but I did not press the discussion at that time, as I preferred to submit the matter to the Spanish Government in writing before entering seriously on a verbal consideration of the points which might be at issue. I accordingly sent to the minister on the 4th instant my first note on the subject, treating of the general question of the responsibility of the Spanish Government for the return of the estates and of their proceeds, and for the damages resulting from the unlawful seizure of the property of American citizens, a copy of which note I inclose herewith. It will be seen that I have followed quite closely the language of your instruction No. 2, of May 3 last.

Copies of my notes in presenting the individual cases will follow, with separate dispatches.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 14.]

Mr. Foster to the Marquis de la Vega de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, July 2, 1883.

EXCELLENCY: One of the most urgent instructions which was given to me by the President of the United States, in accepting my present mission, was to take the earliest opportunity to bring to the attention of the Government of His Catholic Majesty the question of the release of the estates in Cuba, belonging to citizens of the United States, which have been heretofore embargoed or confiscated, and the release or return of which has been ordered by the Government of Spain, but whose orders still remain unexecuted.

The correspondence between the two Governments, extending over more than ten years, furnishes full information as to the details of the matter and as to the positions respectively held by said Governments. It is not necessary, therefore, now to repeat the history of the occurrences in Cuba during the insurrection which led to the unusual and extreme action on the part of the Government of Spain, of embargoing the estates of many residents of that island and of confiscating the estates of others, or of the subsequent negotiations. It is sufficient to say that when the orders touched the rights of American citizens the Government of the United States promptly protested, and has never at any time recognized the legality of this action of the Spanish Government.

In 1871 a commission was appointed by agreement between the foreign departments of the two Governments, which was to settle claims of the citizens of the United States against the Government of Spain for wrongs and injuries committed against their persons and property by the authorities of Spain in the island of Cuba since the commencement of the insurrection. That commission soon assembled in Washington, and claims were presented to it.

For the purpose of the present note it is only necessary to notice the claims based upon an embargo or confiscation.

These cases present three items of claims:

1. For the release of the estates held by the Spanish Government.
2. For the return of the rents and profits actually received by Spain during the detention of the property, and admitted to be in the hands of that Government.

3. Damages for the detention of the property.

In many instances the statement of the case presented by the claimants through the Government to the commission contained a demand for indemnity on all three of these grounds, and Admiral Polo, then minister of Spain in Washington, contended that the entire question raised by the embargo was within the jurisdiction of the commission, to be finally decided by that body. To this Mr. Fish, then Secretary of State of the United States, did not assent, and said in his note to Admiral Polo of May 22, 1872: "I beg to point out that the claims before the commission are for compensation for past injuries, and that the applications for release of the estates are properly subjects for diplomatic attention."

In another note to the Spanish minister, dated June 21, 1872, and referring to the case of Mrs. Ferres de Mora, Mr. Fish said:

"It is the province of the commission to hear evidence on the claims of Mrs. de Mora for past injuries resulting from acts of the authorities in Cuba and to award her pecuniary compensation if they shall find that she has suffered loss from that cause.

"The property which she now asks to have released is held under a summary order of the Government. An order of the Government can at once release it, and as no pecuniary claim can be preferred by the Government of Spain against her before the commission of arbitration, it is difficult to perceive why the release of her property should be made to depend on the final action of the commission."

The position as taken by Mr. Fish has been consistently maintained by the United States, and while at first opposed by Spain, its validity was soon conceded.

Finally, in 1873 (July 12), after a full investigation of the subject, the Government of Spain published a decree admitting the illegality of the embargoes and confiscation, and the justice of the position of the United States. In the preamble to this decree it is said:

"There cannot be found in international law any precept or principle authorizing this class of seizures which bear upon their face the stamp of confiscation, neither under any sound judicial theory is it admissible to proceed in such a manner; nor can the exceptional state of war authorize under any pretext the adoption of preventive measures of such transcendent importance, and whose results, on the other hand, will inevitably be diametrically opposed to the purpose which inspired it."

The decree, which reflected so much honor upon Spain, directed the release of all estates embargoed by executive order in consequence of the decree of April 20, 1869, and the principles there set forth have been recognized repeatedly since that date through the action of the Government of His Catholic Majesty.

The Government of the United States, in addition to the presentation of the general question of the release of the estates, has not failed to continually press upon the attention of Spain the individual cases which have from time to time come to its notice. Pursuant to the representations of my Government, the minister of the colonies, on the 7th November, 1873, telegraphed to the governor-general at Havana: "I salute your excellency and reiterate compliance with the telegram of the 15th September relating to the restoration in obedience to treaties in force of the property of North American foreigners. Said restorations before the 30th November, in order to avoid international conflicts. The names of the citizens whose estates have to be restored in conformity to the decree of the 12th July, are"—— and here follows a list of some twenty-five names, among them those of individuals then, and some of them until January 1, 1883, claimants before the commission. Some of the estates have been released; but as to others the distinct directions contained in the decree and the telegram were not complied with.

It is unnecessary to rehearse the long discussion which followed, and it is enough to say that the position of this Government has not changed, and no effort has been spared to secure the final and amicable adjustment which would have resulted from an enforcement of the decree of 1873, in the spirit in which it was made. Further, it may be observed, in order to show the consistent course of negotiations, that on February 9, 1876, orders were repeated by the Government at Madrid to restore the property of four American citizens, claimants before the commission; and at still later dates other similar orders were issued, and as late as 1879 the estates of Rojas (exclusive of revenue or proceeds) were restored to him, pursuant to the continued representations of Mr. Evarts, the then Secretary of State, de Rojas being at that time a claimant before the commission.

The return of the revenues or proceeds of embargoed property, when actually collected by Spain, has always been regarded by both Governments as an incident to the release of the estates, leaving to the commission only jurisdiction over the amount of damage caused by the embargo or confiscation. On this ground Spain has paid to different claimants various sums of money.

At no time is it found that the Spanish Government seriously contended for, or that the United States admitted, any judicial power in the commission to decide upon the original questions of embargo and confiscation or restoration.

The commission itself repeatedly held that it had no power to decree the restora-

tion of property, or of the proceeds of property, or to enforce any opinion it might give in regard thereto. And such denial of jurisdiction, even though cases before the commission were discussed, therefore in no wise prejudiced the claimant's right to the executive redress which the commission could not give.

Neither could the questions of citizenship, as interpreted by the commission, affect the rights of American citizens to executive release from embargo. For all purposes of the release of their property and the return of the proceeds, the citizenship of the claimants was admitted in the several supreme decrees ordering restoration, and on such purely executive ground the right of my Government to ask the execution of those decrees rests. As the commission had no power to enforce those decrees, so, too, it had no power to weaken them, and still less to set them aside by judgments contrary thereto, its want of jurisdiction as to such decrees was absolute, although they might be properly before it as evidence in cases where damages were claimed by reason of their non-execution.

It is not necessary for me to remind your excellency that while my Government has for many years urged diplomatically the release of the estates and the return of the collected revenues, it has at the same time demanded awards before the commission. It is true, as was observed in Admiral Polo's note to Mr. Fish of May 28, 1872, most of the petitions before that body embraced, besides the claim for damages, a claim for the release of the estates and return of the proceeds collected, or suitable compensation in lieu thereof, but the fact that such claim was included in the petition to the commission was not regarded by either Government as a bar to diplomatic negotiations. The understanding of the two Governments on this point is clearly shown by the action of Spain in publishing the decree of 1873 and the subsequent orders in carrying out their provisions in various instances. In 1874 the estates of Joaquin Angarica were released and a large sum of money was returned to him. Moses Taylor & Co. received their estates and nearly $100,000 of collected revenue, and the embargoed lands of de Rojas were restored in 1879. All of the persons thus relieved, and others whom it is unnecessary to mention, had claims before the commission. Of course, after the return of the estates and proceeds, only that part of the claims relating to damages for detention remained before that body, and Angarica, Dominguez and Poey received a reward on that item of their claims. In the case of Delgado the estates were returned by the Government of Spain, and, by an oversight, an award was also made by the commission in his favor. The claimant, therefore, was allowed to elect from the two remedies granted.

A review of the correspondence, therefore, shows that my Government has maintained, and Spain has admitted, that the claims for the release of the embargoed property and proceeds were subjects for diplomatic discussion, and not properly within the jurisdiction of the commission; that the decree of July 12, 1873, and the orders subsequent thereto provided for the unconditional release of the property seized; that the restitution of the property involves the restitution of the proceeds collected by Spain; that the commission was established to assess damages, and not to enforce restitution of the estates and proceeds.

This brief allusion to the long-continued correspondence between the two Governments on this question is not made as a statement of any new principle, but to show that the course of the Government of the United States and Spain in relation to this class of claims has been harmonious and consistent.

Reference has been made to the decisions of the commission, to the effect that it had no jurisdiction as to the restoration of the property or proceeds thereof seized by the Cuban authorities, and also to the fact that while a number of the persons whose names were embraced in the several decrees of restoration were claimants before the commission, their appearance before that tribunal has in no wise affected their right to the restitution of their property and its proceeds. Now that the commission has completed its labors and its results are fully known, there would seem to be no further occasion for delay on the part of His Majesty's Government in complying with the repeated and urgent requests of the Government of the United States for the complete restoration of the estates of its citizens, in accordance with the various decrees of the Spanish Government.

Complying, therefore, with the specific instructions of the President of the United States, I desire now, through your excellency, to ask the attention of the Government of His Catholic Majesty to this subject, and to present an urgent request for the enforcement of the decrees of release in all cases of citizens of the United States, where the estates or their proceeds are still withheld by the officials in Cuba, notwithstanding the express and reiterated directions of the supreme Government to return the property to its rightful owners.

After so many years of diplomatic correspondence and repeated postponement in a matter wherein the rights of American claimants have been so completely recognized by the solemn decrees of the Spanish Government, the President feels that he will not be disappointed in the expectation which he entertains that His Majesty's Gov-

ernment will give the subject its earnest and prompt attention, with a view to an early and complete compliance with long unexecuted decrees.

The correspondence exchanged between the two Governments contains much information as to the claimants still entitled to the benefits of the decrees alluded to. But in order to facilitate the detailed examination which His Majesty's Government may desire to make, I will proceed, with as little delay as possible, to submit to your excellency a statement of various claimants whose lands and estates and the revenues or proceeds thereof are still withheld from them, and I will take great pleasure in rendering all the assistance and information within the power of this legation, with a view of reaching a just and equitable settlement of this important matter.

In this connection it is proper to note that in the statements of property to be submitted in one or more instances it will be found that the authorities have seized the slaves of claimants. While my Government is not disposed to press claims for the value of slaves seized by the Cuban authorities, it recognized the injustice of permitting those authorities to enjoy the fruits of the seizure from the claimants and the propriety of a voluntary compensation being made therefor.

The question is one which may be considered in the cases as they arise. One of the claimants has offered to surrender his claim for slaves, provided the authorities stipulate to emancipate them, an offer which seems to be just and worthy of careful consideration.

In conclusion, I venture to express the hope that your excellency will be able to give the subject the preferential consideration which the President desires, and I do not doubt that such a conclusion will be reached as will greatly tend to strengthen the cordial relations of friendship which happily exist between the two nations.

I gladly avail, &c.,

JOHN W. FOSTER.

No. 499.

Mr. Foster to Mr. Frelinghuysen.

No. 35.] LEGATION OF THE UNITED STATES,
Madrid, July 18, 1883. (Received August 9.)

SIR: Referring to Mr. Reed's No. 123 and to your reply No. 74, of the 19th June, 1882, I have now to inclose, herewith, for your information, a copy and translation of a communication from Mr. Senmarti, minister of Liberia at Madrid, dated the 9th ultimo, stating that he has succeeded in obtaining the revocation of the order of the governor-general of Cuba prohibiting the landing in that island of foreign negroes, without the previous deposit of $1,000 or the consent of the governor-general, and that now all foreign negroes are at liberty to land and reside in Cuba on equality with other races.

I deem it proper to add that although Mr. Senmarti's communication is dated the 9th June, I only received it a few days ago.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 35.—Translation.]

Mr. Senmarti to Mr. Foster.

LEGATION OF LIBERIA IN SPAIN,
Madrid, June 9, 1883.

EXCELLENCY AND COLLEAGUE: I have the honor to inform your excellency that, following the instructions of my Government, with the object to conclude a new treaty between Liberia and Spain, the undersigned encountered great difficulties through the opposition shown by the superior authorities of the island of Cuba on account of the orders of the captain-general, approved by the Government of His Majesty the King, which prohibited the landing and residence of negroes or persons of color in the territory of the island without the previous consent of the captain-general, or the deposit of $1,000 in money.

This prohibition, established in general terms, applied to citizens of divers states which have colored persons among their people. For this reason I believed it my duty to make the fact known to our colleagues, their excellencies the ambassador of France and the minister of England, as well as to the worthy predecessor of your excellency, as being the representatives of states like Liberia, which have the greater number of negroes among their citizens.

This negotiation, which has lasted more than two years, has been concluded by his excellency Señor Nuñez de Arce, minister of ultramar, who has revoked the orders of his excellency the governor-general of the island of Cuba which prohibited the landing and residence in that Antille of negroes. Consequently, persons of this race, without distinction, may land and freely reside in Cuba on equality with other races.

This solution is a triumph in favor of free foreign negroes banished from Cuban soil where their race was unable to land other than in the quality of slaves. I am happy to inform your excellency that I have found on the part of the Government of His Majesty the King of Spain the greatest desire to arrive at a solution of so much importance to my Government.

As that country, which your excellency so worthily represents, has citizens of the colored race, I am honored in making known to you the facts above set forth by the undoubted interest which it may offer to your Government.

I avail, &c.,

C. SENMARTI.

No. 500.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 40.] LEGATION OF THE UNITED STATES,
Madrid, July 23, 1883. (Received August 9.)

SIR: On the 19th instant the newspapers of this capital announced that on account of the appearance of cases of trichinosis at Malaga, the Spanish Government had, upon the advice of the royal board of health, decided to prohibit the importation of American and German pork products.

On the same day I called upon the minister of state and asked him if he could give me any information as to the correctness of this report. He answered that he had heard nothing of it, but recommended me to call upon his colleague, the minister of the interior (*gobernacion*), which I did on the same day. In the absence of that minister the subsecretary received me, who in reply to my inquiries stated that the royal board of health had recommended the prohibition referred to, but the minister of the interior had decided that it was only necessary to enjoin the enforcement of the royal order of July 10, 1880, which prescribed an inspection of pork and lard proceeding from the United States and Germany, and their destruction when found to contain trichinæ. A copy and translation of the royal order of July 10, 1880, was sent to the Department with Mr. Fairchild's No. 176, of July 16, 1881.

I improved the opportunity of my visit to explain somewhat in detail to the subsecretary, and to the chief of the sanitary bureau, who was present, the results of the investigations made under the direction of the Deparment of State, as contained in Mr. Scanlan's report of 1881 (a copy of which had been left at the ministry by Mr. Reed some months ago), and the importance of this industry to our country. I was assured that the exclusion of American pork was not contemplated by that ministry, but only a reasonable inspection in view of the reported appearance of the disease at Malaga.

You will see by reference to Mr. Reed's dispatch, No. 173, of February 28 last, that a similar report affecting American pork was started at

Malaga at that time, but upon investigation it was found that the disease did not originate from the use of pork proceeding from the United States, but from Spain itself. Information will be asked of the consul as to the cause of the recent alarm, and his report will be sent to you.

In view of the fact that telegrams from Madrid have appeared in the European press, giving a false report of the action of the Spanish Government, I deemed it proper in the interest of our exporters to send you a telegram this morning, as follows:

Importation of American pork not prohibited in Spain, as telegraphed to foreign press. Only inspection required, as reported in Fairchild's number one-seventy-six.

I am, &c.,

JOHN W. FOSTER.

No. 501.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 50.] LEGATION OF THE UNITED STATES,
Madrid, July 31, 1883. (Received August 18.)

SIR: The Official Gazette of the 28th instant contains the appropriation law for the island of Cuba for the fiscal year 1883–'84, recently passed by the Spanish Cortes, of which a copy is transmitted.

The total expenses are fixed at $34,170,880, and the receipts are estimated at $34,269.410.

The legal provisions which are a part of the act contain some matters which may be of interest to American commerce with that island. Article V provides that from the 1st instant the additional charge of 10 per cent. on export duties will be reduced one-half.

The export duties on tobacco raised in the central and eastern departments will be lowered 30 per cent. on the present tax. From the date of the publication of the law (the 28th) the bills of the bank of the island of Cuba will be admitted at their full nominal value in payment of 10 per cent. of the import custom-house duties.

The two following articles are of special interest:

ARTICLE XII. The Government will negotiate treaties of commerce which it may deem necessary to lower, proportionately, the tariff duties on foreign products in reciprocity with those which the island pays in the respective countries, always taking into account the interests of national production.

ARTICLE XIII. The Government will, if experience so warrant it, reform the regulations by which the customs are exacted, taking care to concrete in precise and simple rules the formalities to which the importation and exportation of fruits and merchandise, and commerce in transit and coasting trade are subject, procuring harmony and similarity with those of the Peninsula, in order to conform to the legislative formalities which the laws prescribe.

It would seem that by the latter article the Government, through the minister of ultramar, possesses the power to make the modification in the customs regulations which our Government has so earnestly desired. I will improve the earliest opportunity to ask the Spanish Government to exercise its power under this law. * * *

The Official Gazette of the 29th instant announces the acceptance of the resignation of the present governor-general of Cuba and the appointment to that important post of Lieutenant-General Ignacio Maria del Castillo, now captain-general of the province of Madrid (New Castile).

I am, &c.,

JOHN W. FOSTER.

No. 502.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 52.] LEGATION OF THE UNITED STATES,
Madrid, August 1, 1883. (Received August 18.)

SIR: Since I advised you of the presentation of the various claims arising out of the embargo of Cuban estates, in my numbers 14 to 23 of the 12th ultimo, the subject has been referred to in several of the interviews which I have had with the minister and subsecretary of state.

On the 19th ultimo, in the last conference which I had with the Marquis de la Vega de Armijo before he left the capital, I expressed my regret that he was to be so long absent from the ministry, for the reason that I had hoped to be able at an early day to take up with him the consideration of these cases, concerning the settlement of which I had received such urgent instructions.

The marquis replied that he had been so occupied with the sessions of the Cortes and other urgent matters that he had not had the time to examine them, nor had there as yet been an opportunity to do so, as my notes were still in the hands of the translator. His impression had been that all questions of claims growing out of the insurrection in Cuba had been settled by the late claims commission. If it was considered by my Government important that an answer be given without delay, he would give instructions to have one prepared, but he thought there was no occasion for haste.

I said that I did not desire a hasty answer, but that, as I understood he was to be absent for two or three months, my object in bringing the subject to his attention was to have the cases advanced as much as possible in that interval, as I supposed the antecedents of the cases would be asked of the minister of ultramar, and, possibly, from Cuba. I then briefly sought to correct his impression that these claims had been settled by the commission. The minister, in reply, stated that it would be impossible for him to give any examination to the matter before his departure, but he said he would call the attention of the subsecretary to it, and he asked me to confer with that gentleman.

Since the date of the conference above referred to I have had several conversations with the subsecretary in regard to these embargoed estate claims, and he has manifested a decided disinclination to take them up, placing his objection on the ground that he expected to leave the ministry within a few days, that there was not time for him to examine the questions involved, and that any opinion he might give would be of little consequence, as it would not bind either his successor or the minister of state.

He, however, promised to examine my note of July 2, presenting the general subject of the responsibility of the Spanish Government, and to-day, by appointment, I had a conference with him to hear his views. As he expressly desired that no official importance should be attached to his declarations, it is hardly necessary to give an abstract of our conversation.

He assumed the same position as the minister of state, that all the claims growing out of the insurrection in Cuba were to be settled by the late claims commission, and that Spain cannot now be called upon to consider any cases of that character. In addition to the original

argument of 1871, he refers to the protocol (Article VIII) of 1881, prolonging the time of the commission in support of this view.

Mr. Menedez de Vigo said that before the subject could be fully examined and decided by the ministry of state it would be necessary to ask the ministry of ultramar for all the data and information existing in that department or in the records of Cuba, respecting the claims presented in my notes, and he promised me that this should be done with as little delay as possible.

* * * * * * *

I am, &c.,

JOHN W. FOSTER.

No. 503.

Mr. Frelinghuysen to Mr. Foster.

No. 57.] DEPARTMENT OF STATE,
Washington, August 14, 1883.

SIR: Your No. 14 of the 12th ultimo, in which you communicate the text of your note of the 2d to the minister of state on the general subject of the claims of our citizens growing out of the embargo of their estates in Cuba during the late insurrection there, is approved. Your Nos. 15–23 in separate cases of these claims have been read, and the action which they report is commended.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 504.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 62.] LEGATION OF THE UNITED STATES,
Madrid, August 22, 1883. (Received September 8.)

SIR: This country has very suddenly and unexpectedly been thrown into an excitement unprecedented in the past eight years, by three successive attempts at revolution, which occurred between the 4th and 9th instants in localities disconnected and distant from each other. The first of these events took place at Badajoz, in Estremadura, near the Portuguese frontier. The greater part of the garrison, under the lead of a lieutenant-colonel, and mainly seconded by non-commissioned officers, quietly rose in the dead of night, and without a struggle took possession of this strongly fortified military post, with a large supply of arms and other war equipments, deposed and imprisoned the civil authorities, and substituted others in their places, and proclaimed the republic.

So quietly and effectually was this accomplished that the Government at Madrid was not advised of the event till more than twenty-four hours after it transpired, its first intelligence being received through the authorities of the neighboring nation, via Lisbon.

The Government and the country were completely taken by surprise. It being the time of the usual summer vacation, the King and the majority of the members of his cabinet were absent from the capital, the president of the ministry, Señor Sagasta, being at a French watering-place. The gravity of the situation, in the estimation of the Government, was not concealed. Large bodies of troops were at once set in motion to operate against the rebels. The official announcement of the revolt was immediately followed by a royal decree, suspending the personal guarantees of the constitution throughout the Kingdom and the proclamation of martial law not only in Estremadura, but in other suspected provinces, and especially where republican principles are most prevalent.

A system of repression, censorship of the press, and the arrest or espionage of suspected persons were adopted. The members of the cabinet were hastily recalled to Madrid, and were joined by the King from his summer residence at La Granja.

It appeared, however, that the garrison at Badajoz had no sooner "pronounced" than they took steps to abandon the fortress of which they had so easily possessed the control, and before the Government troops came within striking distance, and before they had an opportunity to learn whether any part of the nation would respond to their movement, they ran away from their own victory, carrying with them the funds belonging to the garrison and the municipality, and took refuge acrsos the frontier, where they were interned by the Portuguese authorities.

Meanwhile, on the 7th instant, a regiment of cavalry at Santo Domingo, in the province of Lagroño, headed entirely by non-commissioned officers, revolted, and, under the command of a lieutenant not in active service and having no connection with the regiment itself, abandoned its barracks and sought refuge in the mountains, where it was actively pursued and recaptured or scattered.

The third attempt at revolution occurred on the 9th instant at Urgel, a fortified post in the recesses of the Pyrenees Mountains of Catalonia, and, as at Badajoz, was at first completely successful in the undisputed occupation of the fortress, thus affording a strong basis of operations if the movement was likely to be seconded in that or other localities. But scarcely was the revolt announced before the public was informed that the garrison had abandoned the place and fled, before a blow had been struck, in the direction of the French frontier, across which a portion took refuge, but the greater part are reported to have returned and surrendered to the authorities.

Thus, just as the whole country was being thrown into consternation, public funds threatened with a panic, and the Government had taken every precaution and set on foot measures to make head against a widespread and formidable revolution, the movement was found to be a miserable failure. The general sentiment is that the event has demonstrated that the country desires peace and is opposed to any revolutionary change of the existing order of affairs. At the three points named the rebels declared in favor of the republican form of government, and, especially at Badajoz, proclaimed Ruiz Zorrilla as chief of the executive power, and he is generally regarded as the person who has inspired these attempts at revolution.

Since Don Alfonso has been on the throne Zorrilla has made his residence in France. It is to be noted that the attempted insurrection was not responded to by any movement in the strong republican localities of the nation, and Castelar and other prominent leaders of the party in

Spain have declared against a change of government by force of arms. The marked features of the late movement have been that it was exclusively confined to the army and that it was managed almost entirely by non-commissioned officers.

While it has so speedily collapsed and apparently come to naught, it is plain from the action of the Government that the King's ministers have regarded the situation as one of serious gravity.

* * * * * * *

During the eight years' reign of Alfonso XII, the country has enjoyed an unprecedented era of prosperity and advancement, and no inconsiderable share of the credit for this happy state of affairs is due to the wisdom and prudence of the young King himself. * * * He has steadily shown thus far a tendency towards liberal and progressive principles and practices of government, which has had a marked influence in reconciling the commercial, industrial and property interests of the country to his reign; and it would prove a public calamity of no ordinary moment to Spain, if the premature and futile attempts of extreme republicans should lead him to reverse his policy and throw himself into the hands of the conservatives or retrograde elements of the country.

I am, &c.,

JOHN W. FOSTER.

No. 505.

Mr. Hunter to Mr. Foster.

No. 74.] DEPARTMENT OF STATE,
Washington, September 18, 1883.

SIR: Referring to instructions to your legation of the 14th April and the 23d June last, in regard to the unwarrantable charges made by Spanish consuls here as fees, I have to inclose a copy of a letter of Messrs. McGrew & Small, of this city, and of protests, which they send herewith, of Joseph Johnson and Joseph Thompson, masters of American schooner Mira A. Pratt, against export fees exacted of them by A. Bermudez, Spanish consul at Key West, Fla., on her cargoes of cattle shipped from that port to Havana on the 30th of April and 14th of May, 1883, and of the other papers mentioned in their letter.

Submitting the case for pertinent action,

I am, &c.,

W. HUNTER,
Acting Secretary.

[Inclosure in No. 74.]

McGrew & Small to Mr. Frelinghuysen.

WASHINGTON, D. C., *September* 10, 1883. (Received September 11.)

SIR: Inclosed please find protests of Joseph Johnson and Joseph Thompson, masters of American schooner Mira A. Pratt, against export fees exacted of them by Augusto Bermudez, Spanish consul at Key West, Fla., on two cargoes of cattle shipped from that port to Havana, Cuba, on the 30th of April and 14th of May, 1883, respectively.

We also inclose a letter from our correspondent, Mr. James McKay, in explanation of said protests, and a copy of receipt given by Consul Bermudez for $199.20 consular fees on 498 head of cattle shipped on the steamer Alabama on the 8th of May, 1883

Be pleased to acknowledge receipt of these papers, and to advise us whether any progress has been made towards settlement from the Spanish Government for the excessive export fees charged by their Key West consul.

We have, &c.,.

McGREW & SMALL.

UNITED STATES OF AMERICA,
State of Florida, County of Monroe, City of Key West:

On this 30th day of April, 1883, personally came and appeared and presented himself before me, W. J. H. Taylor, a notary public in and for the county of Monroe and State of Florida, Joseph Johnson, master of the American schooner Mira A. Pratt, bound on a voyage from this port of Key West, to Havana, Cuba, having a cargo of 207 head of cattle; that on this day he applied to Augusto Bermudez, consul of Spain resident at this port, to *visé* his clearance procured from the custom-house of this port, and was required by said consul of Spain to pay in addition to the usual fees of his office, the sum of 40 cents on each head of cattle on board said schooner, thus exacting the sum of $82.80 export fees on said cargo of cattle.

Whereupon he, the said Joseph Johnson, master aforesaid, being a citizen of the United States, hereby enters his protest against the payment of the aforesaid sum of $82.80, which he has paid as aforesaid, as being unwarranted by the power of any foreign Government to impose an export duty upon the products or industries of the enterprise of a citizen of the United States.

In testimony whereof the said Joseph Johnson has hereunto subscribed his name, and I, the said notary, have to these presents set my hand and seal the day of the date first above written.

JOSEPH JOHNSON,
Master.

Sworn to before me this 30th day of April, A. D. 1883.

W. J. H. TAYLOR,
Notary Public.

I hereby certify that the above is a true copy of an original protest on record in my office.

[SEAL.] W. J. H. TAYLOR,
Notary Public.

UNITED STATES OF AMERICA,
State of Florida, County of Monroe, City of Key West:

On this 14th day of May, 1883, personally came and appeared and presented himself before me, W. J. H. Taylor, a notary public in and for the county of Monroe and State of Florida, Joseph Thompson, master of the American schooner Mira A. Pratt, bound on a voyage from this port of Key West, Fla., to Havana, Cuba, having a cargo of 214 head of cattle; that on this day he applied to Augusto Bermudez, consul of Spain resident at this port, to *visé* his clearance procured from the custom-house of this port, and was required by said consul of Spain to pay, in addition to the usual fees of his office, the sum of 40 cents on each head of cattle on board said schooner; thus exacting the sum of $85.60 export fees on said cargo of cattle.

Whereupon he, the said Joseph Thompson, master aforesaid, being a citizen of the United States, hereby enters his protest against the payment of the aforesaid sum of $85.60, which he has paid as aforesaid, as being unwarranted by the power of any foreign Government to impose an export duty upon the products or industries of the enterprise of a citizen of the United States.

In testimony whereof the said Joseph Thompson has hereunto subscribed his name, and I, the said notary, have to these presents set my hand and seal the day of the date first above written.

JOSEPH THOMPSON,
Master.

Sworn and subscribed to before me this 14th day of May, A. D. 1883.

W. J. H. TAYLOR,
Notary Public.

I hereby certify that the above is a true copy of an original protest on record in my office.

[SEAL.] W. J. H. TAYLOR,
Notary Public.

TAMPA, *August* 31.

DEAR SIR: Yours with copies of protests came to hand. They are right. Captain Johnson was in command of the schooner Pratt the first trip and Captain Thompson the second trip. Johnson went in command the second trip. I inclose a copy of the receipt given for the fees collected this year. I certainly think it is time the Department was doing something if they ever intended doing anything.

Yours, truly,

JAMES McKAY.

Received from Mr. John Jay Philbrick the sum of $199.20, amount of consular fees on 498 cattle shipped this day per Havana on the American steamer Alabama, said sum to remain in deposit at this consulate till further orders from the Spanish Government.

Key West, Fla., May 18, 1883.

AUGUSTO BERMUDEZ,
Consul for Spain.

No. 506.

Mr. Davis to Mr. Foster.

No. 83.] DEPARTMENT OF STATE,
Washington, September 28, 1883.

SIR: In addition to the protests (or copies of protests) against the consular tariff of Spain, as applied by the Spanish consul at Key West, sent you with Instruction No. 74 of the 18th instant, I now inclose copies of three additional protests of Mr. James McKay, client of Messrs. McGrew & Small, of this city, of like character. The previous instruction named is applicable to these.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure in No. 83.]

McGrew & Small to Mr. Frelinghuysen.

WASHINGTON, D. C., *September* 19, 1883. (Received September 20.)

DEAR SIR: We have the honor to inclose herewith three additional protests of our client, James McKay, of Tampa, Fla., against export fees exacted of them by the Spanish consul at Key West, amounting in the aggregate to $591.60.

Very respectfully,

McGREW & SMALL,
Attorneys for Jas. McKay.

UNITED STATES OF AMERICA,
State of Florida, County of Monroe, City of Key West:

On this 19th day of May, 1883, personally came and appeared and presented himself before me, W. J. H. Taylor, a notary public in and for the county of Monroe and State of Florida, James McKay, master of the American steamship Alabama, bound on a voyage from this port of Key West, Fla., to Havana, Cuba, having a cargo of 481 head of cattle; that on this day he applied to Augusto Bermudez, consul of Spain, resident at this port, to *visé* his clearance procured from the custom-house of this port, and was required by said consul of Spain to pay, in addition to the usual fees of this office, the sum of 40 cents on each head of cattle on board said steamship, thus exacting the sum of $192.40 export fees on said cargo of cattle.

Whereupon he, the said James McKay, master aforesaid, being a citizen of the United States, hereby enters his protest against the payment of the aforesaid sum of

$192.40, which he has paid as aforesaid, as being unwarranted by the power of any foreign Government to impose an export duty upon the products of industries of the enterprise of a citizen of the United States.

In testimony whereof the said James McKay has hereunto subscribed his name, and I, the said notary, have to these presents set my hand and seal of the date first above written.

JAMES McKAY,
Master.

Sworn and subscribed to before me this 19th day of May, A. D. 1883.

W. J. H. TAYLOR,
Notary Public.

I hereby certify that the above is a true copy of an original protest on record in my office.

[SEAL.] W. J. H. TAYLOR,
Notary Public.

UNITED STATES OF AMERICA,
State of Florida, County of Monroe, City of Key West:

On this 14th day of May, 1883, personally came and appeared and presented himself before me, W. J. H. Taylor, a notary public in and for the county of Monroe and State of Florida, James McKay, master of the American steamship Alabama, bound on a voyage from this port of Key West, Fla., to Havana, Cuba, having a cargo of 500 head of cattle; that on this day he applied to Augusto Bermudez, consul of Spain, resident at this port, to *visé* his clearance procured from the custom-house of this port, and was required by said consul of Spain to pay, in addition to the usual fees of his office, the sum of 40 cents on each head of cattle on board said steamship, thus exacting the sum of $200 export fees on said cargo of cattle.

Whereupon he, the said James McKay, master aforesaid, being a citizen of the United States, hereby enters his protest against the payment of the aforesaid sum of $200, which he has paid as aforesaid, as being unwarranted by the power of any foreign Government to impose an export duty upon the products or industries of the enterprise of a citizen of the United States.

In testimony whereof the said James McKay has hereunto subscribed his name, and I, the said notary, have to these presents set my hand and seal the day of the date first above written.

JAMES McKAY,
Master.

Sworn to and subscribed before me this 14th day of May, A. D. 1883.

W. J. H. TAYLOR,
Notary Public.

I hereby certify that the above is a true copy of an original protest on record in my office.

[SEAL.] W. J. H. TAYLOR,
Notary Public.

UNITED STATES OF AMERICA,
State of Florida, County of Monroe, City of Key West:

On this 8th day of May, 1882, personally came and appeared and presented himself before me, W. J. H. Taylor, a notary public in and for the county of Monroe and State of Florida, James McKay, master of the American steamship Alabama, bound on a voyage from this port of Key West, Fla., to Havana, Cuba, having a cargo of 498 head of cattle; that on this day he applied to Augusto Bermudez, consul of Spain, resident at this port, to *visé* his clearance procured from the custom-house of this port, and was required by said consul of Spain to pay, in addition to the usual fees of his office, the sum of 40 cents on each head of cattle on board said steamship, thus exacting the sum of $199.20 export fees on said cargo of cattle.

Whereupon the said James McKay, master aforesaid, being a citizen of the United States, hereby enters his protest against the payment of the aforesaid sum of $199.20, which he has paid as aforesaid, as being unwarranted by the power of any foreign Government to impose an export duty upon the products or industries of the enterprise of a citizen of the United States.

In testimony whereof the said James McKay has hereunto subscribed his name, and I, the said notary, have to these presents set my hand and seal the day of the date first above written.

JAMES McKAY,
Master.

Sworn and subscribed to before me this 8th day of May, A. D. 1883.

W. J. H. TAYLOR,
Notary Public.

I hereby certify that the above is a true copy of an original protest on record in my office.

[SEAL.]

W. J. H. TAYLOR,
Notary Public.

No. 507.

Mr. Foster to Mr. Frelinghuysen.

No. 96.] LEGATION OF THE UNITED STATES,
Madrid, October 29, 1883. (Received November 16.)

SIR: Referring to your Nos. 74, of the 18th ultimo, and 83, of the 28th ultimo, in relation to the capitation fee or tax on the exportation of cattle from Key West, Fla., exacted by the Spanish consul, I now have to report that I have again called the attention of the minister of state to the subject in a note recapitulating the facts stated in said instructions and citing the previous correspondence of this legation, and have asked that steps may be taken, with as little delay as possible, to put a stop to any further collection of the tax and to restore the money wrongfully exacted from Mr. McKay and any other citizens from whom it may have been collected. A copy of my note is herewith inclosed.

I propose to seek an early occasion to follow up the note by a personal conference with the minister of state on the subject and will omit no opportunity to secure as prompt a settlement as possible.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 96.]

Mr. Foster to Mr. Gomez.

LEGATION OF THE UNITED STATES,
Madrid, October 18, 1883.

EXCELLENCY: Under the instructions of my Government, it becomes my duty to bring to your excellency's attention a subject which has already been the occasion of considerable correspondence and conference between your excellency's department and this legation.

In a note which the late minister of state addressed to this legation on the 20th of May last it is admitted that the tax of 40 cents per head on cattle, which has been exacted by the Spanish consular officer at Key West, was wrongfully collected. It appears, however, from official information forwarded by the Department of State at Washington that the said tax continues to be collected, as the protests in this legation show that the American citizen, James McKay, was required by the said consul to pay, on the 30th of April last, $82.80 on 207 head of cattle shipped to Havana on that date by the steamer Mira A. Pratt, and on the 14th of May, by the same steamer, $85.60 on 214 head of cattle, and on the 8th of May, by the steamer Alabama, $199.20 on 498 head of cattle; on the 14th of May, by the last-named steamer, $200 on 500 head of cattle, and on the 19th of May, by the same steamer, $192.40 on 481 head of cattle, making a total of $760 paid by Mr. McKay in the months of April and May last, or a capitation tax of 40 cents on each head of cattle shipped, in addition to the usual fees of said consulate.

[Inclosure 2 in No. 102.]

Mr. Foster to Mr. Gomez.

LEGATION OF THE UNITED STATES,
Madrid, November 14, 1883.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 8th instant, relating to the claim of various American citizens arising out of the embargo of their estates in Cuba, and which claims were the subject of my notes of the 2d and 3d of July last.

It is very gratifying to recognize the friendly spirit in which your excellency's note is couched and to receive the assurance that these claims will be re-examined with rectitude and justice, and that they will be treated with that justness and equity which their importance and proportions may require. From the high spirit of equity and intelligence which has always marked the long and distinguished public service of your excellency, and from the friendly relations which have existed and ever ought to exist between the Governments of Spain and the United States, a no less favorable answer could have been expected; and I congratulate myself that in the discharge of the urgent instructions which I have received from the President of the United States on this subject, I can count upon the conscientious co-operation of your excellency in seeking a fair and early settlement of the questions involved.

But in acknowledging the receipt of the note of the 8th instant I deem it important to call attention without delay to what seems to be some serious misapprehension in said note respecting these claims. They are referred to by your excellency as "new claims" presented by me, and it is to be supposed that, under this impression, it has been thought necessary to refer them to the ministry of ultramar for the investigation specified in the note of the 8th instant. But so far from these being "new claims," presented by me for the first time, the records of your excellency's department will show that they have been the subject of frequent and voluminous correspondence between the two Governments for fourteen years past, that the facts and principles involved have been fully and carefully examined and decided in favor of the claimants, and that almost all of them have by name and in detail been considered and favorably adjudged in cabinet councils and made the subject of royal decrees. In my note of July 3 citation is made of the correspondence with your excellency's department, of the examination had, and of the royal decrees in favor of the claimants. Omitting a reiteration of these notes, I desire to direct attention to some historical facts not therein alluded to, of great importance in connection with these claims, which will convince your excellency that they were not only long since presented to the Spanish Government, but were by it fully examined and definitely decided in favor of the claimants.

As is well known they had their origin in 1869 in the unlawful embargo by the military authorities during the revolution in Cuba. After six years of effort on the part of the Government at Washington and of this legation to bring the cases to a satisfactory settlement, the President of the United States determined that some decided steps should be taken to secure American citizens a prompt restoration of their estates in Cuba and of their property and proceeds appropriated by military force. In accordance with this determination the then Secretary of State, Mr. Fish, addressed an instruction to the minister of the United States in Madrid, dated November 5, 1876, in which he reviewed at length the grievances of his Government against Spain growing out of the Cuban insurrection, prominent among which were the embargoed claims now pending and referred to in your excellency's note. Mr. Fish, after citing the royal decree of July 12, 1873, and the orders of the Spanish Government, in which a return of the embargoed estates had been directed, and after stating that the question had then been pending for more than six years, used the following language: "The promises made and repeated, the assurances given from time to time that something should be done, the admission of the justice of the demands of this country, at least to the extent of expressing regret for the wrongs, and promising redress, followed, as they have been, by absolutely no performance and no practical steps whatever towards performance, need no extended comment." Continuing a recital of the injuries which American citizens had suffered from the Cuban insurrection, he says: "It becomes a serious question how long such a condition of things can or should be allowed to exist, and compels us to inquire whether the point has not been reached when longer endurance ceases to be possible. * * * It is absolutely necessary to the maintenance of our relations with Spain, even on their present footing, that our just demands for the return to citizens of the United States of their estates in Cuba unincumbered * * * should be complied with." He then directs the minister to communicate to the Spanish Government the resolution of the President to bring the subject of the Cuban revolution in its relation to the

of state, in partial reply to my several notes of July 2 and 3 last, relative to the claims of American citizens on account of the embargo ot their estates in Cuba. The minister says that my notes have been transmitted to the minister of ultramar for explanations of each one of the cases, and that I can understand that the sums claimed and the verification of the allegations of the claimants will necessarily delay the answer which is due to my notes, but he assures me that the cases will be treated with justice and equity.

* * * * * * *

It will be noticed that he refers to the cases as "new claims" presented by me, and as the character of the examination indicated in his note seems to be upon that hypothesis, I have deemed it proper to correct any such misapprehension, and I have accordingly sent to him a note of which I inclose a copy.

In a visit which I made to the ministry of state to-day I called the minister's attention to the note which I had sent him and urged the importance of the early consideration of the cases. He promised to read my note with care and to give the matter as early examination as was possible.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 102.—Translation.]

Mr. Gomez to Mr. Foster.

MINISTRY OF STATE,
Palace, November 8, 1883.

EXCELLENCY: I have informed myself of the notes which your excellency was pleased to address to my predecessor, the Marquis de la Vega de Armijo, at the time minister of state, under dates of the 2d and 3d of July last, claiming in the name of the Government of the Union the return to various American citizens of the property which they possessed in Cuba, embargoed in consequence of certain judicial and gubernative dispositions adopted on account of the insurrection which took place in that island in 1869, and whose return was ordered by the Spanish Government by the decrees of the 12th of July, 1873, and 20th October, 1877.

Your excellency will understand that the importance of the amount claimed in those notes, as well as the necessity to verify its exactness and to ascertain if the claimants, treated in the present case in the same manner as His Majesty's subjects, have made use of all the measures which Spanish legislation concedes to them for the defense of their interests, and if they have been in fact injured by the authorities in Cuba, against which the interested parties prefer certain charges which the Government can only repel. Meanwhile that they are not justified, all these circumstances tend necessarily to delay the answer due to the notes of your excellency referred to, which have been transmitted by this ministry to that of ultramar, in order that it may be pleased to make the necessary explanations of each one of the cases cited in them.

The Government of His Majesty, which has already paid $1,093,858 on account of the decisions of the commission of arbitration, and which will soon pay $494,860 on account of the late awards of the said commission agreed upon before adjourning, all this in the space of twelve or fourteen years, will examine with equal spirit of rectitude and of justice the new claims presented by your excellency, and will not fail at the same time to treat them with that justness and equity which their importance and proportions may exact after careful examination.

This is all I am able at the moment to state to your excellency, to whom I renew, &c.,

SERVANDO RUIZ GOMEZ.

[Inclosure 2 in No. 102.]

Mr. Foster to Mr. Gomez.

LEGATION OF THE UNITED STATES,
Madrid, November 14, 1883.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 8th instant, relating to the claim of various American citizens arising out of the embargo of their estates in Cuba, and which claims were the subject of my notes of the 2d and 3d of July last.

It is very gratifying to recognize the friendly spirit in which your excellency's note is couched and to receive the assurance that these claims will be re-examined with rectitude and justice, and that they will be treated with that justness and equity which their importance and proportions may require. From the high spirit of equity and intelligence which has always marked the long and distinguished public service of your excellency, and from the friendly relations which have existed and ever ought to exist between the Governments of Spain and the United States, a no less favorable answer could have been expected; and I congratulate myself that in the discharge of the urgent instructions which I have received from the President of the United States on this subject, I can count upon the conscientious co-operation of your excellency in seeking a fair and early settlement of the questions involved.

But in acknowledging the receipt of the note of the 8th instant I deem it important to call attention without delay to what seems to be some serious misapprehension in said note respecting these claims. They are referred to by your excellency as "new claims" presented by me, and it is to be supposed that, under this impression, it has been thought necessary to refer them to the ministry of ultramar for the investigation specified in the note of the 8th instant. But so far from these being "new claims," presented by me for the first time, the records of your excellency's department will show that they have been the subject of frequent and voluminous correspondence between the two Governments for fourteen years past, that the facts and principles involved have been fully and carefully examined and decided in favor of the claimants, and that almost all of them have by name and in detail been considered and favorably adjudged in cabinet councils and made the subject of royal decrees. In my note of July 3 citation is made of the correspondence with your excellency's department, of the examination had, and of the royal decrees in favor of the claimants. Omitting a reiteration of these notes, I desire to direct attention to some historical facts not therein alluded to, of great importance in connection with these claims, which will convince your excellency that they were not only long since presented to the Spanish Government, but were by it fully examined and definitely decided in favor of the claimants.

As is well known they had their origin in 1869 in the unlawful embargo by the military authorities during the revolution in Cuba. After six years of effort on the part of the Government at Washington and of this legation to bring the cases to a satisfactory settlement, the President of the United States determined that some decided steps should be taken to secure American citizens a prompt restoration of their estates in Cuba and of their property and proceeds appropriated by military force. In accordance with this determination the then Secretary of State, Mr. Fish, addressed an instruction to the minister of the United States in Madrid, dated November 5, 1876, in which he reviewed at length the grievances of his Government against Spain growing out of the Cuban insurrection, prominent among which were the embargoed claims now pending and referred to in your excellency's note. Mr. Fish, after citing the royal decree of July 12, 1873, and the orders of the Spanish Government, in which a return of the embargoed estates had been directed, and after stating that the question had then been pending for more than six years, used the following language: "The promises made and repeated, the assurances given from time to time that something should be done, the admission of the justice of the demands of this country, at least to the extent of expressing regret for the wrongs, and promising redress, followed, as they have been, by absolutely no performance and no practical steps whatever towards performance, need no extended comment." Continuing a recital of the injuries which American citizens had suffered from the Cuban insurrection, he says: "It becomes a serious question how long such a condition of things can or should be allowed to exist, and compels us to inquire whether the point has not been reached when longer endurance ceases to be possible. * * * It is absolutely necessary to the maintenance of our relations with Spain, even on their present footing, that our just demands for the return to citizens of the United States of their estates in Cuba unincumbered * * * should be complied with." He then directs the minister to communicate to the Spanish Government the resolution of the President to bring the subject of the Cuban revolution in its relation to the

United States to some definite attitude, "in the firm conviction that the period has at last arrived when no other course remains for this Government."

A copy of this highly important instruction was also sent to the American ministers in London, Paris, Berlin, St. Petersburg and Vienna, for notification to the respective Governments of the intervention which the President had decided to assume in the Cuban affairs.

While the instruction of November 5 was on its way, and before its receipt, the Spanish minister of state sent to this legation a note dated on the 15th of the same month, which, in response to the repeated and urgent efforts of the minister, Mr. Cushing, seemed to consider, in substance, all that the Government of the United States had contended for in regard to these claims. In order to bring this note with all possible dispatch to the notice of the Secretary of State at Washington, Mr. Cushing sent a full abstract by telegraph and a copy of the same by a special messenger, and advised delay in the contemplated action of the President.

On the 30th of November, 1875, Mr. Cushing had an interview with the minister of state, Señor Calderon y Collantes, in which he handed to him a copy of Mr. Fish's instruction of November 5, above cited, and explained to him the modification or suspension of the President's action in Cuban affairs, which had been occasioned upon his (Mr. Cushing's) recommendation, by the favorable promises made in Señor Calderon y Collantes's note of November 15, 1875, and upon the understanding that the grievances of the United States would be promptly redressed; and on the 4th of December following, Mr. Cushing telegraphed to Washington that he had again seen the Spanish minister of state; that Mr. Calderon y Collantes had carefully read Mr. Fish's note of November 5, and said he "admits our grievances; is opposed in principle to sequestration of property of foreigners; condemns the delays; will take up and promptly settle each case."

Upon these repeated and positive assurances of a speedy examination and satisfactory settlement of the embargoed estate claims and grievances growing out of the Cuban revolution, the President desisted from the action indicated in Mr. Fish's instruction of November 5. Thereupon the minister of the United States entered, with Señor Calderon y Collantes, upon an examination of such of the claims as had not already been passed upon. By reference to Mr. Cushing's memorandum of January 31, 1876, his note of February 6, and Señor Calderon y Collantes's note of February 9, 1876, it will be seen that two of the most important cases referred to in my note of July 3 last were then examined and finally settled (as it was then supposed) by the royal decree of February 9, 1876. Without extending the limits of this note by further citations (which are set forth in full in my notes of July 3 last), reference to the records of your excellency's department will show that all these cases have been examined and determined in favor of the claimants years ago, but that the commands of His Majesty the King have been disobeyed and obstructed by the authorities of Cuba.

I flatter myself that the foregoing narration will satisfy your excellency that so far from these cases being "new claims" presented by me, they have been of long standing, that their justness has been affirmed in the most positive manner and under the most solemn circumstances by the highest authority in Spain. It would seem, therefore, that if any delay is now necessary for further examination, it should only be to ascertain why the authorities of Cuba persist in disobeying the King's decrees, and what further injury has thereby been occasioned to claimants. I am sure that my Government will not consider it a satisfactory answer to my notes of July 2 and 3 last to be informed at the end of four months that the cases have been referred to the ministry of ultramar for examination, if that examination is to relate to the merits of the claims and open up decisions long since settled, and for the execution of which the faith of the Spanish Government has been repeatedly pledged.

If, therefore, a misapprehension has occurred in the ministry of state in supposing the cases in question to be "new claims," and for this reason a reference of them has been made to the ministry of ultramar, I beg that your excellency will cause that mistake to be corrected. During the fourteen years that these claims have been pending, they have been repeatedly referred to the ministry of ultramar for information and examination, and there doubtless exists in the ministry of state voluminous data respecting them. As stated in my notes of July 2 and 3, the President of the United States has specially charged me to press an early settlement of this long-standing business upon the Spanish Government, and I deem it my duty to again ask that the consideration of the subject may be brought as rapidly as possible to a final and satisfactory conclusion.

With this new opportunity it is pleasant, &c.,

JOHN W. FOSTER.

SWITZERLAND.

No. 510.

Mr. Cramer to Mr. Frelinghuysen.

No. 18.] LEGATION OF THE UNITED STATES,
Berne, November 16, 1882. (Received December 1.)

SIR: I have the honor to inform you that on the 13th instant a communication was received by this legation from Mr. Byers, United States consul at Zurich, relating to the shipment to New York of an improper person—a pauper and drunkard—by the town authorities of Woelflinswyl, canton of Aargau, in violation of the laws of the United States and of Switzerland on the subject of emigration. A copy of Consul Byers' letter is herewith inclosed. As it was too late to send a cablegram, requesting the Department to prohibit that person from landing, I felt it my duty to address a note to the President of the Swiss Confederation, protesting against the proceedings of the town authorities in the case of the said pauper, and requesting the punishment of the guilty parties. A copy of this note is herewith inclosed.

I am, &c.,

M. J. CRAMER.

[Inclosure 1 in No. 18.]

Mr. Byers to Mr. Cramer.

UNITED STATES CONSULATE,
Zurich, November 11, 1882.

SIR: I would respectfully call your attention to the fact that the *gemeinde* authorities of Woelflinswyl, canton Aargau, on October 28 shipped to New York, per steamer St. Germain, at its own expense, a certain Conrad Hort, a man absolutely without means, a drunkard, and by some pronounced *blödsinnig* or weak-minded.

I went to the town of Woelflinswyl personally and with a witness, and satisfied myself that the *gemeinde* did send this man to America, in violation of the laws of Switzerland and of the United States. The town president and his clerk admitted also to me that the *gemeinde* had shipped numerous other persons to the United States in order to be rid of them, one of whom was reported even worse than Hort. In this case of Hort the *gemeinde* president and secretary stated that the man's expenses to the United States were paid for fear he would become a burden to the town. They denied that Hort was weak-minded; but some of his neighbors, and especially a gentleman who had him in his employ, declared to me that they considered him weak-minded, a drunkard, and incapable of making a living. I inclose you an article on the subject from the Zofinger Tagblatt of November 10. The statements made in that article are true, as Mr. John Frey, of Zurich, secretary of this office, can testify. I do not doubt but the legation will lose no time in demanding from the federal council that the parties directing and aiding in this violation of laws of both countries be punished. This is the more necessary as acts of this kind are not of unfrequent occurrence in canton Aargau.

I will also lay the matter before the Department at Washington in a letter to-day.

I remain, &c.,

S. H. M. BYERS,
Consul.

[Inclosure 2 in No. 18.]

Mr. Cramer to the President of the Swiss Confederation.

LEGATION OF THE UNITED STATES,
Berne, November 15, 1882.

SIR: The undersigned, minister resident of the United States of America, has he onor to inclose herewith: (1) A copy of a letter from Mr. Byers, the consul of the

United States at Zurich, to this legation, of November 11, 1882; (2) a printed extract from the Zofinger Tagblatt of November 10, 1882. Both these documents relate to the fact that the *gemeinde* authorities of Woelflinswyl, canton of Aargau, on October 28, per steamer St. Germain, shipped to New York at its own expense a certain Conrad Hort, a man absolutely without means, a drunkard, and by some pronounced weak-minded (*blödsinnig*). The truth of this fact cannot be doubted, as the evidences in its support, furnished by Consul Byers, are strong, clear, and incontrovertible.

This proceeding on the part of the town authorities of Woelflinswyl and the emigration agent, V. Ursprung (a subordinate agent of Messrs. Schneebeli & Co., of Basel) is a flagrant violation of the laws both of Switzerland and of the United States regulating the matter of emigration and immigration. It is too late to telegraph to my Government to prohibit said Conrad Hort from landing in the United States. I have therefore to request your excellency to have the goodness to cause the town authorities of Woelflinswyl, as well as Mr. Ursprung, the emigrant agent, or all those who committed this flagrant violation of the laws of both countries, to be punished according to the laws of Switzerland, and also to cause the concession to be withdrawn from the said emigration agent. In this connection it may be stated that said town authorities have on previous occasions committed similar violations of law. These are acts of unfriendliness towards the United States on the part of such local authorities, which, it is to be hoped, the Government of the Swiss Confederation will cause to be punished to the extent of the Swiss laws.

The undersigned seizes, &c.,

M. J. CRAMER.

No. 511.

Mr. Cramer to Mr. Frelinghuysen.

No. 20.] LEGATION OF THE UNITED STATES,
Berne, November 18, 1882. (Received December 4.)

SIR: It appears that at no previous time in the history of our country has emigration from the various countries of Europe to the United States assumed such large proportions as during the years 1881 and 1882. The statistics of emigration from Switzerland to our country during the past ten years may serve as a partial illustration of the truth of this remark. There emigrated from Switzerland to the United States in 1871, 2,630; in 1872, 3,630; in 1873, 2,979; in 1874, 2,296; in 1875, 1,439; in 1876, 1,292; in 1877, 1,323; in 1878, 2,033; in 1879, 5,683; in 1880, 8,223; in 1881, 11,769; and in 1882 the number assumed is 13,000.

These figures, however, only show the number of emigrants who landed at the port of New York. It has been calculated that all the emigrants from Europe that landed in the various ports of the United States in 1881, brought a cash capital of about $60,000,000. In addition to this they brought with them brain and muscle power, which adds to the labor or productive capital of our country at least three times that amount. But besides this cash and labor capital, many of these immigrants bring with them habits, manners, customs and views which, if not adapted to those of the intelligent portion of our native citizens, may prove detrimental if not dangerous to our original institutions. History furnishes us with notable instances of migrations (the Gothic migration to Spain and Italy, the Magyar migration to Hungary, the Tartar migration to Russia, and that far-back migration of the Jews from Egypt to Palestine) which have revolutionized the spiritual and political condition of the countries in which these migratory tribes and peoples had settled. The difference, however, between the migration to our shores and the migrations just referred to, is that, while the latter were confined to comparatively short periods, the former suffers no interruption, but has so steadily gained with the increasing breadth of our national domain as to exceed all the drifts of nations and races

from an old home to a new one that are known to history. The question arises: How are we to treat and deal with these numerous immigrants, so as to get them assimilated to our body politic, accustomed to our habits and our civilization, and inspired with a love for our institutions, thus avoiding social revolutions and a violent wrench and change of these institutions? This is a difficult problem to solve, for the American people are becoming a fixed nation, and our foreign element, in my humble opinion, is to be managed by something that must approach a policy and a purpose. It may be permitted me to make a few suggestions in relation to this question.

So far as the adult immigrant is concerned, it is too late to say what shall be his relation to the franchise. That was fixed by law at an early date. Of the reasonableness of that law no opinion is here expressed. But it seems apparent that in the short space of time within which the adult immigrant may exercise the right of franchise, he cannot become intelligently acquainted with the nature, aim, and object of our institutions, nor with the principles, measures, and men necessary for the proper government and development of our country. He may become, and in fact often does become, the mere tool of the party that offers him the biggest bribe, as well as a victim to the vices that settle along the courses of low political intrigues.

In the way of intellectual and political education, then, of the adult immigrant, comparatively little can be done to make of him a citizen such as it is desirable he should be, unless it be by the means of the German-American press. But here the question arises, Is the German-American press always in harmony with the spirit of our civilization and of our institutions? Does it not sometimes manifest opposition to customs and things closely interwoven with our public life and dear to our native population? We leave it to careful and competent observers to answer these questions, under the assumption that just and discriminating criticisms of acts and measures are beneficial, while wholesale denunciation of and unreasonable opposition to them are unjust.

The only way, however, in which we may deal with the adult foreigner, is with his religious condition. This is the problem before our country. Our denominational churches are loyal. They are the conservators of our customs, our civilization, our institutions, our liberties, our faith. Providence has placed the work of dealing with the religious condition of the immigrants into their hands, and in dealing with them in that manner they can incidentally teach them the right way of thinking and acting politically. The immigrants are of two classes, those who speak the English language, and those who speak a foreign tongue. Statistics show that of the 104,274 immigrants that landed on our shores during the month of April last, 68,609 spoke a foreign tongue, while only about one-third of the whole number spoke English. Hence, to my thinking, these immigrants, so far as language is concerned, must be taught, religiously and politically, during the first stages of their stay in our country, in their native tongue. The second generation generally speaks English, and is educated up to our mode of political thinking and acting by our public schools, and by coming in personal contact with the native population. But there is need of addressing ourselves to the adult immigrants in their own familiar tongue, and this should be done by the different denominational churches, in that they establish missions wherever the immigrants settle in considerable numbers. The German, the Swiss, the Swede, the Dane, and all the immigrants who do not speak English, have generally bidden farewell to their native country

forever. Their intention is to make a permanent home in our country. Hence, they must be reached through their own language before they understand English, and before their children and children's children have become assimilated to our American life. Some American churches have been wise, and have adapted themselves to this necessity by establishing missions in various parts of the country among the immigrants from the different European countries. Still much more might and should be done in this matter by the various denominations.

The important question arises, Are the measures here suggested, and long ago carried into effect by some churches, wrong measures? Do they not tend to foster an unnational feeling? These questions may be safely answered in the negative. No power can prevent the children of these immigrants from becoming a part of our English-speaking population. There are thousands, if not millions, of the latter whose fathers knew no word of English when they landed on our shores thirty or forty years ago. Are they less patriotic, less national, or less true Americans than others of the native population? Careful observation will give us a negative answer. Hence the churches ought to redouble their efforts to multiply the facilities to meet the religious (I had almost said the political) wants of the non-English immigrants. Where are these immigrants to-day; and whither do they tend? Along the line of the Northern Pacific Railroad, stretching from Chicago to Puget Sound, the Scandinavians are going in vast numbers. The Germans have already formed and are still forming new communities all over the land, and the entire Pacific coast, from Portland down to the southern part of California, has an unbroken chain of German-speaking people. Were the Germans taken from Oregon and California, to say nothing of Texas and the older States, every industry would almost become paralyzed thereby. Hence the necessity of increasing the educational forces in the religious, intellectual, and political lines among and for all these peoples who do not speak the English language.

But why this great haste? Why not wait until the children become assimilated with our habits and customs, our civilization, and to our body politic? For the reason that children would scarcely become fully identified with our Christian civilization, if their parents had not first been appealed to in their native tongue and their children had not received their training in our Sunday schools. It is the first one who reaches the new immigrant who gets the strongest hold upon him and his posterity. If the foreigner hears nothing of our Sabbath, of our temperance cause, of the great doctrines of our faith, and of our religious practices, and has no early sympathy thrown around him in his first and only language, he will often be the mere plaything of the worst literature of his own language, and the easy tool of unscrupulous ward politicians. These people will read, and it is a fact that by far the greater part of the non-English (daily and weekly) literature of our country, both published at home and imported, is grossly skeptical, and sometimes immoral. If our churches will furnish the immigrants with a pure gospel and a pure literature in their own language, they and their children will be trained to become intelligent and moral citizens, if not earnest Christians. In this matter no time is to be lost, for they will immediately adjust themselves to their new conditions. They will settle into thinking on the subjects furnished them by those who first get a hold on them, and by the kind of literature that is placed in their hands. They generally drift with the wave of circumstances. But the strong hand of sympathy and faith, and the pure word of truth

from the church, which they had little cause to love in their native home, can reach and save them.

Thus, while they find lands and business and a competence, they will find still more—the pearl of great price, which will make of them good citizens.

I am, &c.,

M. J. CRAMER.

No. 512.

Mr. Cramer to Mr. Frelinghuysen.

No. 23.] LEGATION OF THE UNITED STATES,
Berne, December 5, 1882. (Received December 21.)

SIR: About a century ago Henry Pestalozzi, the great Swiss pedagogue, spoke the significant words: "Patron spirit of this country, announce it in thunder tones through hills and valleys, that true popular freedom can only be made possible through the education of man."

At that time popular education in Switzerland was at a low ebb. If a child was able to barely read and to recite the catechism its education was considered as finished. A harmonious development of the intellectual faculties, and to store the mind with varied and useful knowledge, was not thought of; in some places such a course was even held to be dangerous. Hence gross ignorance and intellectual apathy were everywhere prevalent.

It was then that Henry Pestalozzi appeared with his reformatory method of education. But, like all reformers, he was misjudged, and his programme of reform met with opposition. However, the good seed he had sown was destined to grow and bear fruit. The effects of the revolution of 1830 reached Switzerland. Throughout the Protestant cantons the watchwords were, "Constitutional reform! Popular education!" On the 22d of November, 1830, 10,000 liberal-minded men, on the fields of Uster, declared, "We demand a thorough reform of our public schools, and our system of public instruction!" A month later, Joseph Munzinger, of Olten, canton of Soleure, at a large public meeting pronounced the important words: "Popular sovereignty and popular education must be demanded without reservation!" At various places in Switzerland public meetings were held and similiar sentiments expressed and adopted.

Thus the way was gradually prepared for a reorganization of the public schools, and a reform of the system of public instruction. In 1848 a new constitution was adopted in a revised form. In this constitution public instruction was relegated to the several cantons, with the proviso that the confederation should take the necessary steps against those cantons which failed to execute this part of the federal constitution. The following is a translation of article 27 of the present federal constitution:

The several cantons will provide for sufficient primary instruction, which shall stand under the exclusive supervision of the state. It is to be obligatory, and, in the public schools, gratis.

The public schools shall be so conducted that they may be attended by the children of all confessions [denominations] without their liberty of faith and conscience being encroached upon.

Against cantons which neglect to follow these provisions the Confederacy is to take he necessary steps.

Whether any of the cantons have in recent years failed to execute the provisions of this article of the federal constitution it is not for me to determine. It is sufficient to state that the Federal Assembly on the 14th of June last adopted the following resolution relating to the execution of the provisions of the article in question:

The Federal Council is instructed to cause the department of the interior without delay to collect such information concerning the public schools in the several cantons as is necessary for a thorough execution of article 27 of the federal constitution, as well as for the adoption of laws in relation to it.

In order to enable the department of the interior to carry out the provisions of this resolution, that department may appoint a secretary (of education), with a salary of 6,000 francs, whose duties shall be prescribed by the federal council.

Many citizens in the several cantons saw in the foregoing resolution an abridgment of the sovereign rights of their respective cantons to regulate and manage their own public schools. Hence, there being a provision in the federal constitution to the effect that, if a law enacted by the Federal Assembly gives dissatisfaction, a petition signed by 5,000 citizens eligible to vote, duly certified, may be sent to the Federal Council, requesting that said law be referred and submitted to the direct vote of the people. Such a petition, or petitions, signed by about 180,000 citizens, were, during the course of the past summer, sent to that council, and the council fixed upon November 26 last as the date at which the people were to decide by direct vote whether the resolution adopted by the federal assembly on June 14 last should be enforced or whether it should be rejected.

The result of the popular vote is, in favor of the resolution, 171,970; against it, 316,852. This result astonished both parties, for it is so entirely different from what they had expected, the more so, since the agitation on both sides of the question was fierce and bitter. If one looked beyond the mere wording of the resolution, it became evident that the liberal party, which voted in favor of it, meant to gradually eliminate religious instruction from the public schools, or at least to reduce it to a mere unmeaning form, while the conservatives, who voted for the rejection of the resolution, were determined, if possible, to maintain the sovereignty of the several cantons in the matter of the public schools as well as the religious instruction in them.

The people of Switzerland have spoken, but whether, in this case *vox populi* or *vox Dei* is not for me to determine. The great lesson to be drawn therefrom, however, is that popular education, if it is sound, comprehensive, and universal, is the best conservator of civil and religious liberty, the best promoter of the happiness and prosperity of the people, and the best cultivator of true patriotism.

I am, &c.,

M. J. CRAMER.

No. 513.

Mr. Frelinghuysen to Mr. Cramer.

No. 16.] DEPARTMENT OF STATE,
Washington, December 6, 1882.

SIR: I have to acknowledge your No. 18, of November 16, 1882, in regard to the shipment to New York of an improper person, a pauper and drunkard, by the town authorities of Woelflinswyl, canton of Aargau, in violation of the laws on the subject of emigration, and inclosing a

copy of your note to the President of the Swiss Confederation, protesting in the matter.

In reply I have to state that the subject was brought to the notice of the commissioners of charities and correction of New York on receipt of a dispatch from Consul Byers narrating the facts of the case. The Department is not yet informed what action has been taken.

Your note to the President of the Swiss Confederation is approved, and you will continue to exercise vigilance to prevent such shipments of improper persons, and to protest against them.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 514.

Mr. Cramer to Mr. Frelinghuysen.

[Extract.]

No. 33.] LEGATION OF THE UNITED STATES,
Berne, January 23, 1883. (Received February 12.)

SIR: Referring to my note to the high Federal Council of the 14th of last November (a copy of which I transmitted to you with my dispatch No. 18, of the 16th of the same month, and which you had been pleased to approve in your No. 16, of December 6 ultimo) in relation to the shipment to New York by the town authorities of Woelflinswyl, canton of Aargau, of a certain Conrad Hort, a pauper and a drunkard, I have now the honor to inform you that this legation received a note from said high Federal Council, dated January 16 (a copy of which, with a translation thereof, is herewith inclosed), in reply to my note of November 14 last, informing me that an investigation had been made into this matter, the result of which is alleged to be that said Hort is not such a bad character as stated in my note, and that the town authorities of Woelflinswyl did not ship him to New York, though they confess that they had agreed to give him 200 francs for the purpose of emigration. In support of the vindication (?) of said town authorities voluminous documents used in the investigation were submitted to my inspection.

In order to show that this legation has not acted unadvisedly in this matter, nor depended solely upon newspaper reports, I take the liberty to make the following observations: (1) According to the statements of Consul Byers, of Zurich, in his letter to this legation of November 11 last (a copy of which was transmitted to you in my dispatch No. 18), said town authorities admitted that they "did send this man to America in violation of the laws of Switzerland and of the United States;" and that they "had shipped numerous other persons to the United States in order to get rid of them." During the investigation they denied the admissions they had made to Consul Byers. The plain inference is that they have told untruths either to Consul Byers or to the cantonal authorities making the investigation. (2) That the admissions they have made in this matter to Consul Byers are true is evident from a letter addressed to this legation by a Mr. Naef, editor of the Zofinger Tagblatt, near Woelflinswyl, in which he, from personal knowledge, confirms the statements of Consul Byers. * * *

I do not know that the note of the Federal Council concerning this matter needs a reply.

I am, &c.,

M. J. CRAMER.

[Inclosure in No. 33.—Translation.]

Federal Council to Mr. Cramer.

BERNE, *January* 16, 1883.

With the note of November 14, 1882, the legation of the United States of America communicated to the Federal Council that it had come to its knowledge that the commune council of Woelflinswyl, canton of Aargau, had shipped, through the agency of Vincenz Ursprung, of Herznach, subagent of the emigration firm of Schneebeli & Co., at Basel, a citizen without means, named Conrad Hort, who was regarded as a drunkard and weak-minded. The legation perceives in the action of the commune authorities of Woelflinswyl and of the subagent, Ursprung, a violation of the laws of Switzerland and of the United States, and desires that the Federal Council should cause the guilty parties to be punished, and especially the withdrawal of the concession of the emigration agent, Ursprung.

The Federal Council did not fail to cause an investigation to be made into this matter, and has now the honor to transmit herewith the reports relating thereto. From these it will be seen that Hort is neither weak-minded nor a drunkard, and that he himself made the contract for his journey with the emigration agent, and that therefore he was not shipped by the commune authorities. It is true that the latter had agreed to pay him 200 francs for the purpose of emigration, but, not taking this into account, he had never asked for assistance, and has never received any. It is further declared that Hort was the manager of a bakery, and that he gained his support during ten or eleven years as a baker's journeyman, among other people, which could not have been the case if he had been weak-minded.

Supported by this report of the cantonal authorities of Aargau, the Federal Council has to decline to cause the punishment of the commune authorities of Woelflinswyl or to interfere with the agency of Schneebeli & Co., at Basel.

The Federal Council is willing to assist the authorities of the United States in their endeavors to prevent persons from emigrating whom the laws of the United States prohibit from landing, and for this purpose said Council has caused the introduction of regulations into the federal laws of December 24, 1880, relating to the operation of emigration agencies (Art. 10, No. 4); but it is of opinion, and the legation will be convinced by the inclosed reports, that the measures proposed by the legation in this case can only be adopted upon an official examination, and not by reports of newspapers.

The Federal Council avails, &c.,

L. RUCHONNET,
President of the Confederation.
RINGIER,
Chancellor of the Confederation.

No. 515.

Mr. Frelinghuysen to Mr. Cramer.

No. 24.] DEPARTMENT OF STATE,
Washington, February 15, 1883.

SIR: I have to acknowledge the receipt of your dispatch No. 33, diplomatic series, of the 23d ultimo, in relation to the alleged assisted emigration from Woelflinswyl, in Aargau, of Conrad Hort, said to be a pauper, a drunkard, and weak-minded.

The reply of the Federal Council to your representations on the subject declares positively that Hort is not weak-minded, but has gained his living for ten or twelve years past. It is admitted, however, that the commercial authorities assisted his emigration by giving him 200 francs, from which it is only to be inferred that he was an undesirable member of the community.

While it may not be advisable, in view of the explicit declarations of the Federal Council, to insist further on the punishment of the agent who effected the emigration of Hort, you should let it be distinctly known that such assisted emigration of undesirable characters for the purpose

of ridding the local community of the burden of their presence is regarded with disfavor.

The Government of the United States has pressed this view upon that of Switzerland for several years past. It was hoped that the new regulations of 1880, forbidding such practices, would have remedied the evil, and it is still confidently trusted that the strict enforcement of those regulations, and the exemplary rebuke and punishment of all who may be concerned in violating them, will remove all further grounds for complaint on this score.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 516.

Mr. Cramer to Mr. Frelinghuysen.

No. 68.] LEGATION OF THE UNITED STATES,
Berne, July 5, 1883. (Received July 23.)

SIR: The United States consul at Zurich informs me by note of yesterday's date that the authorities of the town of Walkringen, canton of Berne, Switzerland, had assisted five deaf and dumb persons, inmates of an asylum in that town, to emigrate to the United States, and that a sixth deaf-mute from the same institution had, on the 4th instant, called at his consulate and declared that the authorities of said town were about to assist him also to emigrate to the United States. A copy of this note is herewith inclosed.

The action of said town authorities in this matter being against the laws of the United States, as well as against those of Switzerland governing emigration, this legation regarded it as its duty to address a note to the president of the Swiss Confederation, under date of the 5th instant, drawing his attention thereto and protesting against it. A copy of this note is herewith inclosed.

I have, &c.,

M. J. CRAMER.

[Inclosure 1 in No. 68.]

Mr. Byers to Mr. Cramer.

UNITED STATES CONSULATE,
Zurich, July 4, 1883.

SIR: Allow me to call your attention to the case of five deaf and dumb emigrants who went to the United States some time since from an asylum in the *gemeinde* of Walkringen, in canton Berne. A sixth deaf and dumb person from the same institution called here to-day, saying he had 60 francs in money, and his *gemeinde* or township was about to aid him off to America. I advised him not to go. He said his five comrades are doing well in America, and that Consul Mason, in Basel, gave them certificates at the time that there was no hindrance to their emigrating to the United States. I scarcely think this statement probable. It seems astounding that any community should permit an asylum within its borders to empty its inmates into a foreign country. Not one of them, it is said, could speak or hear a word. My only information is from the mute who calls here. Trusting the matter will be investigated,

I am, &c.,

S. H. M. BYERS.

[Inclosure 2 in No. 68.]

Mr. Cramer to Mr. Ruchonnet.

LEGATION OF THE UNITED STATES,
Berne, July 5, 1883.

SIR: The undersigned, minister resident of the United States of America near the Swiss Confederation, has the honor to inform your excellency that he has been credibly informed that some time since five deaf and dumb persons have emigrated to the United States from an asylum in the town of Walkringen, canton of Berne, assisted by the authorities of that asylum or town, and that a sixth deaf and dumb person from the same institution called at the United States consulate at Zurich on the 4th of this month, declaring that he had 60 francs in money, and that the authorities of said town were about to aid him in emigrating to the United States.

The undersigned cannot but express his surprise that in view of existing laws and regulations, both in Switzerland and the United States, on the subject of improper emigration, any community in the former country should aid or permit an asylum within its borders to send some of its afflicted inmates to the latter country. He therefore takes the liberty to protest in the name of his Government against such an unfriendly act on the part of said town authorities against the United States, and to express the hope that an investigation will be made into this matter, and if any parties are found guilty, to proceed against them according to law.

The undersigned avails, &c.,

M. J. CRAMER.

No. 517.

Mr. Frelinghuysen to Mr. Cramer.

No. 59.] DEPARTMENT OF STATE,
Washington, October 18, 1883.

SIR: For your information, and for use in connection with the general instructions heretofore sent to you on the subject, I inclose herewith copy of a letter* dated the 11th instant, and its inclosures, received from the Secretary of the Treasury, in regard to the deportation of pauper emigrants from various European countries to the United States.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

TURKEY.

No. 518.

Mr. Wallace to Mr. Frelinghuysen.

No. 126.] LEGATION OF THE UNITED STATES,
Constantinople, September 28, 1882. (Received October 19.)

SIR: I beg to send you herewith papers of great concern to Mr. Alexander Sidi, a citizen of the United States, residing in Smyrna.

The first is a copy of a dispatch from Mr. Griffith, United States vice and acting consul at Smyrna, directed to Consul-General Heap and by the latter referred to me, stating, amongst other things, that Mr. Sidi owns in Smyrna certain real property which the authorities refuse to transfer either in his name or in that of his sons, who are native

* See inclosure to document 252, page 465.

born Americans, and that he (Mr. Sidi) begs the legation to press his claim upon the Porte, in order that the transfer may be made and his property relieved of danger.

Along with Mr. Griffith's dispatch I send you other papers essential to the subject, amongst them a letter from Mr. Sidi himself.

After some study I concluded to address a communication to the Sublime Porte in Mr. Sidi's behalf, a copy of which you will please find inclosed. As you will see, the request pertinent to that gentleman is broadly generalized into a demand applicable to all other persons of Ottoman birth who may hereafter become naturalized citizens of the United States. Curiously enough the clause of the article in President Grant's proclamation acceptive of the Turkish protocol concerning the enjoyment of real property by foreigners, upon which my demand for the special law in question was based, does not seem to have authority anywhere in the protocol. I beg to present the point for your particular examination, since it is but reasonable to anticipate that it will be returned to me as reply to my demand.

I have not consulted the Department before presenting this matter to the Porte, partly because I feel confident that the President will be pleased to manifest his regard for the rights of citizens so peculiarly imperiled, and partly because there will be ample time for me to receive from you such views and instructions as you may think necessary for my Government.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 126.]

Mr. Griffith to Mr. Heap.

UNITED STATES CONSULATE,
Smyrna, August 5, 1882.

SIR: Referring to my dispatch No. 79, dated June 10, I have now the honor to inclose herewith Mr. Alexander Sidi's naturalization papers; also a note from the honorable Second Assistant Secretary of State, to the effect that Mr. Alexander Sidi's naturalization certificate has been placed on file in the Department.

I also beg to inclose two certificates of the city registrar of Boston, Mass., showing that Abraham Sidi, son of Alexander and Mary Sidi, was born in Boston, July 6, 1861, and that Joseph Sidi, also son of said Alexander and Mary Sidi, was born in Boston December 13, 1862.

I also take the liberty to call your attention to my dispatch No. 7, dated May 13, in reference to certain real estate Mr. Sidi owns in this city, which the authorities refuse to transfer either in his name or the name of his sons, who are native born Americans.

Mr. Sidi begs the legation to press his claim on the Sublime Porte in order that the transfer may be made, so that the property he owns may not continue to remain in jeopardy.

I have, &c.,

JOHN GRIFFITH.

[Inclosure 2 in No. 126.]

Mr. Sidi to Mr. Griffith.

SMYRNA, *May* 12, 1882.

SIR: I beg of you to call the attention of our consul-general at Constantinople to the following facts:

According to the law granting to foreigners the right of holding and possessing property in the Ottoman Empire, Ottoman subjects by birth and who have changed their nationality have not this right, but it is specified that a special law will be made for them; but this special law has never been made.

I am a United States citizen, resident there about twenty years, and two years after the above law was made two houses were allowed to be passed in my name as a United States citizen, though born here. Lately I wanted to have another store passed over to me, and the authorities forbade, on the ground that I was born in the Ottoman Empire. I wanted to pass it over to my sons, who were born in the United States, and that was not allowed also. I was even informed that the property already in my name will be vacant property after my death, which is tantamount to confiscation. Surely my Government cannot allow such anomalies to exist, and I now beg their protection to put these things to rights.

I am, &c.,

ALEXANDER SIDI.

[Inclosure 3 in No. 126.]

Mr. Wallace to Saïd Pasha.

UNITED STATES LEGATION,
Constantinople, September 25, 1882.

EXCELLENCY: I beg to invite your attention to the following communication, and pray that the requests presented may receive early consideration.

Mr. Alexander Sidi, of Smyrna, Turkey, in which place he was born, became a citizen of the United States of America, by process of naturalization on the 4th day of January, 1853. He lived in the United States twenty years, and while there had two sons, Abraham, born July 6, 1861, and Joseph, born December 13, 1862. Returning to Smyrna, Mr. Sidi engaged in business as a merchant, and in the year 1877 was permitted to have passed to him, as an American citizen, two houses situated in the city. Recently, through the American consul at Smyrna, he made application for a permit to have another house passed to him, but the authorities refused the application. Mr. Sidi then applied to have the third house passed to Abraham and Joseph, his sons; this the authorities also refused. Not only were the applications refused; Mr. Sidi was even informed that the two properties already in his name would become vacant upon his death.

Under this statement of facts your excellency's attention is in the first place called to the refusal of the authorities to permit the passing of the title of the third house to Mr. Sidi's sons.

By the terms of the protocol of 1874, giving to foreigners the privilege of acquiring real property, the right of the sons to receive title to the house would seem to be indisputable. The only ground on which a denial could be rested, as it appears to me, is that they are not citizens of the United States. I have not been able to find any law of the Empire to justify such position; if such a law exists it is a matter of great interest to my Government to be informed of it. Under impression, however, that the provisions of the protocol are sufficient to entitle the sons of Mr. Sidi, they being citizens of the United States and born such, to acquire and enjoy real property in Turkey, I have the honor to request you to be good enough to cause the proper authorities to be instructed as to the law in such cases, and that upon application renewed by the American consul the authorities be directed to permit the passing to the above-named Abraham and Joseph of the particular property mentioned in the application heretofore made and refused.

As to the application in behalf of Mr. Sidi, father: Searching for a reason for the denial in his case, we naturally recur to the protocol and its proclamation as a law by the then President of the United States to citizens of the United States. There is but one class of persons referred to in the protocol, foreigners, persons not Ottoman subjects. It is to be remarked, however, that the proclamation refers to two classes, foreigners and "Ottoman subjects who have changed their nationality." As Mr. Sidi belongs to the latter it is of peculiar interest to ascertain his rights pertinent to the privilege conferred by the protocol, and if possible have them definitely settled.

The United States having, in conjunction with the Ottoman authorities, entered upon the regulation of the rights of her citizens in respect to the acquisition and enjoyment of real property in Turkey, it is hardly credible that the rights of such as fall within the second class of persons above referred to would be left utterly without recognition; and I am glad to say they are not. The first article of the proclamation of the President is as follows:

"ARTICLE 1. Foreigners are admitted by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or country, throughout the Empire, with the exception of the province of Hédjoz, by submitting themselves to the laws and regulations which govern Ottoman subjects, as is hereafter stated.

"This arrangement does not concern subjects of *Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.*"

The meaning of the last clause of the article quoted may not be contested. It is true there is in it no definition of rights; there is, on the contrary, a distinct statement that the article is of no account to persons in the category of Ottoman subjects by birth who have become naturalized elsewhere; still it is not less clear that the Ottoman Government undertook to make a special law in behalf of such persons, and that the undertaking became an obligation which is of account to them and operative of results which it is my duty now to present and assert.

The case is that of a failure by a Government to perform obligations with which it is charged. What are the effects of the failure as regards the right of individuals for whose benefits the obligations were contracted?

The law called for was to provide that persons in the category stated were to have the privilege of acquiring and enjoying real property in the Empire in the same degree, if not under the same conditions, as foreigners. Had it been made Mr. Sidi's present title could not have been menaced; as it is he is told by those in authority that upon his death his houses become *vacant*. This imposed it upon me to advertise you in advance that his heirs will certainly claim the property as theirs by regular descent, and that regardful of their American citizenship my Government may find itself bound to support them in their claim, which it may well do, in my judgment, on the ground of its obligation resting upon the Ottoman Government to provide the special law referred to, an obligation which it is fair to say appears to have been overlooked or purposely deferred by both the high parties concerned.

Under this presentation your excellency will not fail to see the questions of allegiance and citizenship. At the time of the proclamation of the President it is obvious they were surrounded with difficulties which I am confident do not now exist, and as one day it must be settled definitely whether persons in Mr. Sidi's position are of any nationality in fact, and particularly as at present it would seem that with respect to the acquisition and enjoyment of real property in Turkey, they are neither Ottoman subjects nor Americans with recognized rights of any kind, I think it the part of prudence to call the subject up, and ask for it a final and amicable disposition. To that end I have the honor to request of the Turkish Government a law of the kind contemplated, by which Ottoman subjects, who have and may become naturalized American citizens, may have the benefit of the proctocol concerning real property, at least in the same degree as other citizens of the United States; also that the Sublime Porte will take such action as may be necessary to prevent diversion from the regular course of inheritance of such real property in Turkey as Mr. Sidi may be at this time entitled to or hereafter acquire.

I have, &c.,

LEW. WALLACE.

No. 519.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 134.] LEGATION OF THE UNITED STATES,
Constantinople, October 15, 1882. (Received November 10.)

SIR: Dr. Frederick T. Kingsbury, a citizen of the United States, appeared at this legation a few days ago and presented a statement, of which a copy is inclosed for your perfect information.

Dr. Kingsbury is a gentleman of education and high character. Samakov, where he has his residence at present, is a considerable city of Bulgaria, in which the American Bible Society has established permanently, it seems, some schools. The doctor's object in going there was to care medically for the schools and the American families connected with them. He entered upon his duties ignorant of the law of the principality requiring a license or permit. By and by he was induced to treat destitute people outside the schools. Immediately that he found there was a license required he made an effort to inform himself of the law and to comply with its requirements, with what results his statement will inform you. There is little doubt that his application to the medi-

cal council of Sofia was discouraged if not unkindly repulsed, and led to his indictment under the Bulgarian law for practicing medicine without license. To see what the legation could do to save him from the prosecution was the object of his visit to this city.

The case seems, judging from latest accounts, to have been indefinitely postponed, if not finally disposed of; yet I think you will excuse me for presenting it for consideration because of the complexity of some of the questions it raises and the prospect that issues calling for action on the part of this legation may hereafter occur between the Bulgarian authorities and the American residents in that country.

Without going into historical detail it may be simply stated that by admission of the Sublime Porte, Bulgaria is a tributary vassal of the Sultan's, with the privileges of autonomous government, including the right to make and execute its own laws. Before the last Turco-Russian war it was a province of Turkey. Its autonomy was one of the few results of that war. In the period during which its provincial relations with the Ottoman Empire obtained, it was, of course, subject to all the capitulations granted to Christians by the rulers of the Empire and to the treaties made by them with foreign powers. But what effect has its new condition had upon the capitulation and treaties? Are they of longer application to it?

A distinction may be drawn treating of these questions between the capitulations and the treaties. The former had their origin in the difference between Ottoman modes of government and those of the western European powers, growing out of religious views and practices. Bulgaria claims now to be a Christian principality, and in all respects a civilized government. If that is admitted, the great reasons of the application of the capitulations cease to exist. Can the same be said of the treaties?

To answer this question it would appear necessary as nearly as possible to get at the relations at present existing between the Empire and the principality. The latter might be autonomous as respects the making and execution of its laws, yet dependent with respect to its foreign relations. The English, I know, obtain *cerats* for their consuls in Bulgaria from the Sublime Porte, a very significant circumstance. Mr. Zankoff, a delegate from the principality resident here, answered the dragoman of this legation whom I sent to interview him on that point, by saying, "The relations between the two Governments are not yet definitely settled. The Empire has over the principality no power except the right of tribute." Yet, he immediately added, "One may address either the minister of foreign affairs at the Porte or the Bulgarian agency; but a legation, if it chooses, may address the minister of foreign affairs at Sofia." It would appear from this that the Bulgarians have the necessary equipment for independency in treaty making, but, as yet, I have not been able to hear of one power with which they have concluded an independent treaty. Such an instrument has not been celebrated between the principality and the United States. At the time our treaty with Turkey was ratified the principality was an integral portion of the Empire. At no time since has our Government recognized or been notified of its independency. Nowhere can an acknowledgement of its independency be found for quotation by or against the Sultan. My conclusion was that whatever might be said as regards the capitulations, Bulgaria was yet governed and bound by the treaties existing between the United States and Turkey. If so, it follows with even greater certainty that Turkey is answerable to our Government for all the wrongs to person and property our citizens resident

in Bulgaria might sustain from the authorities of the Bulgarian government. This is the very point I wish to submit to your better judgment. As we have no diplomatic agent in that country, not even a consul, upon the occurrence of a difficulty involving one of our citizens there the application for protection and redress will certainly be presented to this legation. In such event it will be as desirable as important to be possessed of your views, if not your specific instructions.

In the case in hand, knowing that correspondence upon the subject with the Porte might be carried on through years, it occurred to me to sound the Bulgarian delegate (Mr. Zankoff) and see what could be best done for Dr. Kingsbury through his agency. To this end I sent Mr. Garguilo, the dragoman, to call upon that gentleman. Such a visit being unofficial and informal could not be offensive to the imperial authorities or do harm in any manner. Mr. Zankoff could not say how the prosecution could be stopped; he undertook, however, to telegraph his Government at Sofia for a continuance of the case, and suggested that the English consul at Sofia inform the Government there that he had it in official charge to protect American citizens. * * * The answer of the delegate was very liberal and to the point. Acting upon his suggestion I sent a note to Lord Dufferin, the British ambassador, giving an account of the affair, and requesting him to be good enough to specially instruct his consul at Sofia to take care of Dr. Kingsbury to the full extent of his authority. His lordship replied in his usual prompt and hearty manner, saying that he had very great pleasure in requesting his representative at Sofia to do the very best he could for my fellow-countryman. The next news following these measures was that the call had been indefinitely postponed. Considering the difficulty of the questions connected with this affair, that we have no relations of any kind with Bulgaria, * * * I confess myself well satisfied at the turn the matter has taken.

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 134.]

STATEMENT.

I, Frederick Lucas Kingsbury, an American citizen, having completed the course of study in Dartmouth College and the course of medical study in the University of Vermont, came to Samakov, in Bulgaria, chiefly for the purpose of caring medically for the American schools and American families in that city. While there I was constrained, both by the importunities of the people and by their necessity, occasionally to prescribe for the public. I did this after urging every excuse, and after consultation with some of the chief citizens in the town, who in every case assured me that everything would be right. At length, in April last, I went to Sofia to ascertain the conditions, and, if possible, to obtain permission to practice medicine within the principality. The following conditions were imposed by the president of the medical council:

1st. To make application in Bulgarian and in writing to the medical council in Sofia for permission to practice.

2d. To present to that body my credentials in the form of medical and collegiate diplomas, certificates of post-graduate study, certificates of practice in America, &c.

3d. To present to the council the certificate of a minister empowered to give such papers in behalf of American citizens, attesting the institution purporting to issue said diplomas of the first class.

I inquired if Her Britannic Majesty's consul-general resident in Sofia could give such a paper, and was answered that he could. I accordingly applied immediately to Her Britannic Majesty's consul-general, Lascelles, who gave me the requisite certificate. Returning to President Grinn, I was informed that the certificate could not be recognized, for the reason that no English consul could give such a certificate to an

American citizen, but only to a British subject. Hence my diploma was sent to this legation and an application made for a certificate. The diploma, with the certificate of Consul-General Heap, reached me on Monday, 18th September, 1882. I immediately telegraphed to Sofia, asking if there were opportunity to present my request, saying that I had fulfilled all the conditions. A reply informed me that there were at present no meetings of the medical council on account of the absence of the president and two of the members of the society. On the following morning I received a summons to appear to answer charges preferred against me before the judicial council of the district of Sofia. It was reported to me that there were two charges or counts in the indictment, one for having opened a drug store, which will probably be raised in the trial. This is true only so far as this: I was generally in the habit of furnishing medicine to those who came to me. It is reported that an attempt will be made to confiscate my medical goods.

Respectfully, &c.,

FRED. L. KINGSBURY.

No. 520.

Mr. Frelinghuysen to Mr. Wallace.

No. 27.] DEPARTMENT OF STATE,
Washington, October 26, 1882.

SIR: I have to acknowledge the receipt of your dispatch No. 126, of the 28th ultimo, and to approve the ground adopted in your note to the Government of the Porte, touching the right of American citizens to convey real estate in Turkey. I have also observed your remark about the absence from the protocol of August 11, 1874, of any reference to clause II of the law concerning future legislation for the benefit of Ottoman subjects naturalized abroad. Your language upon this point is as follows:

Curiously enough, the clause in the article of President Grant's proclamation acceptive of the Turkish protocol concerning the enjoyment of real property by foreigners, upon which my [your] demand for the special law in question was based, does not seem to have authority anywhere in the protocol.

You consequently present the point for my particular examination, believing that it is but reasonable to anticipate that the Turkish Government will assert that fact in reply to your demand.

I beg to say in reply that as the protocol is explanatory of and supplementary to the law, the omission to refer to any particular clause of the law does not necessarily bar us from recurring to it and demanding its privileges. As the protocol limits and defines the law in parts, the limitations must be taken specifically, and no limitation of the law can be admitted not expressly provided and agreed to in the protocol.

You will take notice that both protocol and law are integral parts of the President's proclamation of October 29, 1874.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 521.

Mr. Frelinghuysen to Mr. Wallace.

No. 33.] DEPARTMENT OF STATE,
Washington, November 16, 1882.

SIR: Your dispatch No. 134 of the 15th ultimo, presenting the case of Dr. Frederick L. Kingsbury, an American citizen, under proceedings

for the practice of medicine in Bulgaria without a license, has had careful consideration, with especial reference to the points you set forth touching the relations of the United States to Bulgaria as far as they concern the protection of American interests in that principality.

Answering your inquiries, I am of the opinion that, in the absence of formal declaration by the Porte that Bulgarian autonomy extends to the diplomatic intercourse of that state with foreign powers, our existing treaty with Turkey should be invoked on behalf of American interests there, if the case should arise, and further, that we should ask the treatment of the most favored nation in their behalf.

Dr. Kingsbury's case, however, does not seem to be one likely to bring up the question for practical settlement.

There appears to be little doubt that he has technically infringed the local law governing the practice of medicine in Bulgaria. The indefinite postponement of proceedings against him relieves his case of embarrassing features, and your efforts may now be directed solely to supporting his reasonable application for a proper license. Should the proceedings against Dr. Kingsbury be revived, you will take such steps for his protection as your judgment may indicate. In all this there is no objection to your availing yourself of the good offices of Lord Dufferin, whose courtesy hitherto in this matter is warmly appreciated. I desire that you will take an appropriate occasion to thank his lordship.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 522.

Mr. Heap to Mr. Frelinghuysen.

No. 147.] LEGATION OF THE UNITED STATES,
Constantinople, December 2, 1882. (Received December 22.)

SIR: I have the honor to inform you of the release from prison of five Greeks who were arrested by the Turkish military authorities and tried by a court martial at Janina, in Epirus, some eighteen months ago, and sentenced to perpetual banishment for the utterance of seditious cries when Janina was evacuated by the Turks.

Numerous petitions had been presented to Mr. Wallace to obtain the pardon of these men. The Sultan, yielding to Mr. Wallace's request, gave an imperial *iradé* (edict) for their release; by some mistake other prisoners were released in their place. Mr. Wallace thereupon renewed his request to the Sultan and another *iradé* was given, but there was an obstruction somewhere which delayed its execution.

When I called on Assym Pasha on the 30th ultimo, to present my respects on his appointment as minister for foreign affairs, I represented to him the hardship these men were suffering in being kept in confinement so long after an imperial pardon had been granted them, and his excellency promised to attend to the matter at once. They were released that afternoon.

It will be a genuine satisfaction to Mr. Wallace that the friendly feeling which the Sultan entertains for him has benefited these unfortunate men, whose severe and unnecessarily long imprisonment for the utterance of a few intemperate words has caused much sympathy. It is probable that without Mr. Wallace's interference their case would

have remained unknown to the Sultan, and their imprisonment been prolonged indefinitely, every other influence brought to bear on their case having proved of no avail.

These men are primates, or chiefs of villages, and have an ecclesiastical character.

I am, &c.,

G. H. HEAP.

No. 523.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 148.] LEGATION OF THE UNITED STATES,
Constantinople, December 3, 1882. (Received December 22.)

SIR: * * * In reference to the case of Dr. Frederick L. Kingsbury, mentioned in No. 33, dated the 16th of November last, I have been informed, both by himself and Mr. Wyndham, the chargé d'affaires of Great Britain, that his difficulties with the Bulgarian authorities have been satisfactorily arranged, and he has received permission to practice his profession in the principality. This settlement has been effected through the good offices of Mr. Lascelles, Her Majesty's agent in Bulgaria, acting under instructions from the Earl of Dufferin. I have requested Mr. Wyndham to convey the thanks of this legation to Mr. Lascelles.

I am, &c.,

G. H. HEAP.

No. 524.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 158.] LEGATION OF THE UNITED STATES,
Constantinople, Dec. 25, 1882. (Received Jan. 19, 1883.)

SIR: Some time ago a Greek, representing the Epirote capital, Janina, called at the legation and represented to me that there were six of his fellow-citizens in prison in Stamboul, for whom he begged my good offices. He described their offense as purely political. One day, he said, a column of Turkish soldiers marched through Janina. The people of the town on the sidewalks recognized in the ranks a number of Greeks, uniformed and bearing arms. At that time there was great excitement occasioned by fixing a new boundary line between Greece and Turkey under the Berlin treaty. Many of the Epirotes were disappointed at being left in the old arrangement, and at sight of the Greeks marching under the Ottoman flag, some of them hooted, groaned, and cursed what they called the renegades. The commandant of the column promptly seized such of the offenders as he could catch and sent them to Constantinople, where they were tried and sentenced to imprisonment. They had been in confinement about a year when the delegate came to see me about them. He represented, with a great deal of

feeling, that he had been to other foreign representatives and solicited their friendly intervention, but it seemed without avail, and if I did not come to the aid of his unfortunate countrymen they must die. Upon inquiry at the palace I found it would be possible to obtain the release of the men, as it only required some one to ask it of the Sultan. An opportunity presented itself to me one day; I reminded His Majesty that he had been at various times good enough to offer me presents, which, following the laws of my country, I had been compelled to decline. Now, however, there was a favor I wished he would let me ask, one which I had no doubt all my countrymen would join me in, thanking him for should he be so merciful as to grant it. At his instance I narrated the story of the Epirotes, and told him their liberty was the present I sought. He received the request pleasantly, and directed an officer to have the affair reported to him. After a long delay the report reached his hand. A singular circumstance then occurred. Dervish Pasha, he who figured so conspicuously in Egypt, was charged with the business by the Sultan, and when I sent the names of the prisoners to His Majesty's secretary the veteran Dervish told the secretary I was mistaken; that he knew the names better; whereupon he sat down and wrote a list of six other men, and had their names inserted in the *iradé* of release instead of those furnished by me. The delegate came to me in great tribulation, and reported the discharge from custody of six Greeks not of Janina. I sent the dragoman of the legation to see Dervish and learn what was to be done. His Majesty had graciously given me his imperial promise, and it was meant to be executed as given. Dervish explained that the mistake was honest on his part; that it happened he knew of six Greeks from Macedonia in prison for a political offense; he had not heard of the Janina case, and supposing he was right and I wrong the *iradé* had been accordingly issued. He laughed heartily, and said there was but one thing to be done—get another *iradé* for the liberation of the Epirotes. I called the Sultan's attention to the mistake, and he ordered the correction agreeably to Dervish's suggestion. The result was the release, after another delay, of five of the six Epirotes, one being retained under sentence for murder. So I have the pleasure of reporting eleven Greeks happily returned to their homes and families. The particulars of the affair I have given at length, wishing to illustrate the clemency which is really a characteristic of the Ottoman monarch.

The inclosures herewith are a copy and translation of an official document received at the legation to-day from Athens, acknowledging the good offices rendered in effecting the release of the Epirotes of Janina. I am sure you will notice and appreciate the expressions applicable to the people of the United States. * * *

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 158.—Translation.]

The Syllogos to Mr. Wallace.

ATHENS, *December* 9, 1882.

EXCELLENCY: The administrative committee of the Syllogos of the Epirotes "Janina" has requested me to transmit to your excellency the expression of its thanks, for the noble steps taken by your excellency at the Sublime Porte to liberate our young compatriots who were unjustly imprisoned.

The great and generous people of the United States of North America, which you so ably represent near the Sublime Porte, has always shown great sympathy to

oppressed peoples. Greece more than any other country owes thanks to your generous nation for the part that its noble children took in our war of independence, when our brothers, tired of carrying the yoke of barbarians, resolved to rend it.

Accept, excellency, the expressions of our sentiments of gratitude to yourself and the great American people, and be assured you have obtained forever the love of the Epirotes.

The President: D. M. BOTZARIS.
The Secretary: CONSTANT NISTOVIDI.

No. 525.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 159.] LEGATION OF THE UNITED STATES,
Constantinople, January 1, 1883. (Received January 25.)

SIR: The new minister of foreign affairs, Aarifi Pasha, seems disposed to take up the business left him by his predecessors, and give it attention.

I have now the honor to transmit to you a communication from him relative to the excessive tax levied and collected by the customs officials at Smyrna on American alcohols. A translation is also inclosed.

The document, as you will observe, is a repetition of points heretofore made by the Sublime Porte. There is no denial that the tax levied is in excess of the treaty provision. In fact, there is no allusion to the treaty whatever. In view of that circumstance, I have drawn a reply to the minister, to be sent to him to-morrow. * * * I hope my paper will meet your approval.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 159.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 29, 1882.

Mr. ENVOY: I read the two notes that your excellency kindly addressed to the imperial ministry on the 11th of January and the 18th of March last, Nos. 97 and 74, relative to the collection by the custom-house authorities at Smyrna of a tax of 48 *paras* on each *oke* of alcohol.

Permit me to observe, Mr. Envoy, that in the matter there is no question of an increase of the importation duties, but of a tax on the manufacturing of alcoholic drinks; a tax which, although payable by the manufacturers, is instead paid by the merchant of his own will and in his own interest, without his being compelled to do so. The custom-house allows alcohol which has paid the 8 per cent. duties to pass free, with the difference that if the merchant is disposed to substitute himself for the manufacturer and pay the manufacturing tax of 60 *paras* per *oke*, a benefaction of 12 *paras* per *oke* is accorded him on this tax. There is a combination which, while it facilitates the collection of the tax, furnishes a considerable advantage to the merchant. By paying 48 *paras* per *oke*, he becomes the owner of merchandise the value of which has increased to 60 *paras*, and which he can sell at 60 *paras* higher to the manufacturers, who also find their advantage in procuring the article free of taxation and of any fiscal formalities.

In presenting these considerations to the enlightened appreciation of your excellency, I have no doubt you will acknowledge that the measure in question cannot give any ground for legitimate complaints.

Accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 159.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, December 27, 1882.

HIGHNESS: Taking notice of the communication you were pleased to address to me, dated of the 19th instant, I beg you will permit me to make another effort to show why its proposals cannot receive my assent. This is done because it does not appear in your paper that the Porte has finally decided to repulse the demands I had the honor to present in my note of March 18 last, to which your attention is again earnestly entreated.

It is not possible for me to admit that the question under consideration is of a tax on the manufacture of certain alcoholic drinks; on the contrary, the complaint is that the importers of American alcohol at Smyrna are charged and required to pay an excessive duty upon the article, and that complaint is the question. Your highness does not deny the truth of the complaint. Neither can I admit the statement next following in your highness's note, that the importers of American alcohol willingly pay the tax which the Porte has seen fit to impose upon drinks (mastic) manufactured in part of the alcohol. If you will be so good as to call for the first paper upon the subject from this legation, No. 85, November 17, 1881, you will see the contention was based upon complaints officially preferred by the United States consul at Smyrna, speaking for certain merchants of that city. In fact, so strongly am I impressed with a doubt of your highness having seen that first paper, that at the risk of making this communication unnecessarily long I presume to extract therefrom the following statement of facts, which, it is well to remember, has been accepted as correct by one of your distinguished predecessors:

"Messrs. Reggio and Belhomme, merchants of Smyrna, are representatives of Messrs. Laforme and Frothingham, of Boston, United States of America. In course of their business the latter consigned seventy-seven barrels of alcohol to the former. Upon arrival of the goods at Smyrna, the direction of the indirect contributions refused to deliver them for the purpose of sale on the market for a reason theretofore unheard of and clearly unwarranted. Messrs. Reggio and Belhomme tendered payment of the usual duty of 16 *paras* the *oke*, which was the amount fixed by the agreed tariff upon alcohol under the treaty of commerce between Turkey and the United States. The direction declined the tender, and demanded a supplementary duty of 48 *paras* the *oke*, giving as a reason that they were acting in accordance with a new regulation for the sale of spirits prepared in Constantinople.

"Messrs. Reggio and Belhomme at first resisted the demand, but were at length driven to payment at the rate of 64 *paras* the *oke*. They made the payment under protest, reserving the right to claim damages then accrued and such as might thereafter accrue."

This, I am convinced, will relieve your highness of the impression that the question and the demands incident to it rest upon the voluntary motion of this legation. And when I add that the protest of Messrs. Reggio and Belhomme yet remains in force, and is yet applicable to every *para* paid by them in excess of the fixed duty, I am sure your highness will spare me a repetition of the argument that the importers pay the excessive duty of their own free will, because they find it to their advantage to do so.

Your highness adverts, as a last point, to a somewhat nice summing up of the advantages the importer finds by paying the excess required of him under the new regulations. You say that, by paying 48 *paras* the *oke*, he becomes the owner of merchandise worth 60 *paras* the *oke*, and which he can sell that much higher to the manufacturer (of mastic). One cannot help admiring the zeal with which the direction of the six contributions figure out such a handsome profit for foreigners at the expense of His Majesty's subjects.

Governments are seldom liberal to such a degree. Permit me to say I see the meaning of the resort. In Turkey the manufacturers of mastic are in some particulars not unlike the manufacturers of whisky in my country; both find their profits enormous; both have the same genius for evading payment of the taxes assessed upon their goods. Moreover, the two Governments have been alike exercised to find ways the cheapest and most effective to secure their dues. Your officials, in casting about them, discovered that mastic could not be made to suit the taste of consumers without alcohol. This happy suggestion led to the further thoughts that alcohol was of foreign manufacture and could be made to do service while passing through the custom-house; it was only needful to charge the article with an extra duty sufficient to cover what the mastic manufacturer would otherwise have to pay. If the manufacturer grumbled, he could be quieted with the assertion that it was a good thing for him, since he received his alcohol "free of taxation and without vexatious fiscal formalities." If the importer grumbled, he had only to be shown that by paying 48 *paras* the *oke*,

presto! he became the owner of goods marketable at 60 *paras* the *oke*; and your highness, shall I add, if perchance he was still dissatisfied, there was little or no difference, for most of such importations are American. These were the inspirations, I have no doubt, which lured the direction of the six contributions to adopt the new regulations, and charge the customs officers at Smyrna with their enforcement. Their main idea undoubtedly was to "facilitate the collection of the tax on the manufacturing of alcoholic drinks," and such is your highness's motive. In expressing it I but adopt your language.

In treating of your highness's argument I am in candor bound to admit it the duty of every servant of a Government to obtain for it every advantage possible. That it would be an advantage if the collection of the tax imposed on the manufacturers of mastic could be facilitated in the way proposed by the new regulations must also be admitted; and I take pleasure in asserting that not one of the powers in good relation with His Imperial Majesty and the Sublime Porte has a disposition to help make the administration of their affairs easy beyond mine. Together with these avowals, however, you must permit me to remark that there is a point in efforts of the kind you are attempting which ought to be the limit of the effort, and that is the point where right ends and wrong begins. I beg to be allowed to show now that you have reached that limit in this business.

On this score it is permissible to say that the most observable thing in your highness's paper is the absence of reference to the treaty of 1862. You have not indulged in the slightest allusion to that instrument. If you kindly look back to the pertinent dispatches from this legation to the Porte you cannot fail to discover that it is the ground they go upon—my basis of argument, protest, entreaty and demand. Your predecessors, in their replies, passed the instrument without mention. Might I comment on their course in this particular, without being offensive, it would be to express the opinion that they were perfectly conscious of the impossibility of reconciling the treaty and the action of the direction of the six contributions, and wisely sought attainment of their end by ignorance of the former. Is it too much to suggest that, knowing the hearty good-will I bear the Ottoman Government, they may have imagined it possible to induce me to join them in a quiet modification of so much of the agreed tariff as relates to the goods under consideration? If such should be your highness's idea, you are proceeding upon a misjudgment. I could not agree to such a step. The President could not agree to it. An essential to the validity of our treaties with foreign powers is their ratification by the national Senate, and, once ratified and exchanged, they are not less unalterable without the concurrent action of that body. Once in force, the President is bound by his oath to execute them in letter and spirit. In the estimation of my countrymen there is but one higher law than a treaty.

With this explanation you will permit me to ask if the treaty of 1862 between your country and mine fixed a duty collectible upon American alcohols? If so, at what rate? There should be no difficulty in determining the questions. The fixed rate is 16 *paras* the *oke*; and to collections at that rate I have the honor to insist upon the direction of the six contributions being remanded. Whether the provision works good or ill to the importers I am convinced it is the law, and also that the interests of both Governments will be best served by a strict adherence to it as long as the treaty lasts.

I may add that this subject has been brought to the attention of my Government, and that, in fair compliance with the instructions it has seen fit to send me, it will be my duty to present to the Sublime Porte a statement of the money drawn from importers of American alcohol under the new regulations of the direction of the six contributions, and demand payment of the same as damages sustained.

Considering also the long time this matter has been pending, and referring to the spirit of my instructions, your highness will have the goodness to permit me, in conclusion, to advise you that an answer to this communication is looked for which shall be conclusive of the intentions of the Sublime Porte one way or the other.

I avail, &c.,

LEW. WALLACE.

No. 526.

Mr. Wallace to Mr. Frelinghuysen.

No. 160.] LEGATION OF THE UNITED STATES,
Constantinople, January 3, 1883. (Received January 29.)

SIR: I take the liberty of sending you a copy of a note forwarded today to his excellency the minister of foreign affairs. You will remember the case of Mr. Sidi, of Smyrna, presented in my dispatch No. 126. It

now appears there is another American citizen, formerly a Turkish subject, who has large real property, liable, in the event of his death, to forfeiture under the Turkish law. The person referred to is Mr. Joseph Azarian, resident in this city, who is naturally much concerned about the matter.

The evident good policy of settling the question, if possible, before a death occurs to precipitate it in an aggravated form, is the motive of the present communication. The minister's answer will be promptly forwarded.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure in No. 160.]

Mr. Wallace to Aarifi Pasha.

No. 140.] UNITED STATES LEGATION,
Constantinople, January 2, 1883.

HIGHNESS: Under date of September 25 last, in a dispatch No. 127, I had the honor to call the attention of your predecessor, his excellency Saïd Pasha, to the case of Mr. Alexander Sidi, a citizen of the United States, now and for many years a resident of Smyrna.

Mr. Sidi had made application through the American consul at that city for permission to have the title to a house passed to him. Presumably this right was secured under the protocol of 1874, giving foreigners the privilege of acquiring real property. His application was denied by the authorities, for the reason that he had been an Ottoman subject before changing his nationality. Mr. Sidi then applied to have the house passed to his sons, Abraham and Joseph, both of whom are United States citizens by birth. This was also denied him. The authorities, going a step further, informed him that upon his death his real property would become vacant.

In the note referred to, as in duty bound, I contest the action in both the cases, and give my reasons at length. My demand was that the authorities be instructed to permit the title to pass to the sons as of legal right. As to Mr. Sidi the elder, I insisted that, admitting him to be in the category of former Turkish subjects who had changed their nationality, he was yet entitled to acquire real property, because the Turkish Government, in regulating rights under the protocol, had obliged itself to make a special law for the benefit of persons in the category described. The failure to do so could not be justly urged to sustain the denial of his first application, much less could it be asserted to work a forfeiture against him.

This, it is submitted, is a matter of supreme importance as concerns individuals, and of such gravity relatively to our respective Governments that I presume to ask your highness's immediate attention to my note.

I avail, &c.,

LEW. WALLACE.

No. 527.

Mr. Frelinghuysen to Mr. Wallace.

No. 42.] DEPARTMENT OF STATE,
Washington, January 16, 1883.

SIR: Referring to previous correspondence upon the subject, I now transmit a copy of a letter of the 13th instant, addressed to this Department by Senator J. N. Camden, relative to the exclusive privilege which it is understood has been conferred upon a Turkish subject to receive and store petroleum at Turkish ports, and especially at Smyrna. It is alleged that the charge for this purpose, besides being exorbitant in itself, will operate as a discrimination against the American in favor of

the Russian petroleum, which latter is carried thither in small quantities, and is sold from the vessel on board of which it is transported.

As under the treaty of 1862 the import duty on American petroleum is limited to 8 per cent. of its value, the duplication of the charge by the measure proposed naturally excites anxiety and alarm in the exporters of the article from this country. The case seems to be one for which the treaty was intended to provide, for the fifth article stipulates that the rate (8 per cent.) shall be calculated upon the value of the article *at the wharf*. There is no stipulation, express or implied, that this charge shall be increased, much less doubled, after the landing of the article.

It is hoped that you may succeed in impressing upon the Turkish authorities our views of this question, so that the proposed measure may not be carried into effect. If, however, a contrary course should be persisted in, it may be considered our duty to require adequate reparation therefor.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 42.]

Mr. Camden to Mr. Frelinghuysen.

WASHINGTON, *January* 13, 1883. (Received January 13.)

SIR: I have letters forwarded to me from Missner, Ackerman & Co., of New York, the Standard Oil Company of New York, and other exporters of American petroleum, from their correspondents in Constantinople, that by a firman obtained from the Sultan, granted to Sami Bey, son of Soubhi Pasha, the exclusive privilege of receiving and storing petroleum at extravagantly high prices, which operates as a discrimination against American petroleum in favor of the Russian petroleum, which is brought there in smaller quantities, and can be sold ex vessel without storage charges. They claim that this is in violation of treaty stipulations. They desire that the State Department would call the attention of our minister at Constantinople to this question, with a view of having it corrected.

I inclose you copy of a letter addressed by C. F. Ackerman to Minister Wallace.

Their statements are as follows:

"At present the Turkish Government has her own storage rooms at Pasha Garden, about 15 miles up the Bosphorus, in which they take all the petroleum from the importers here, at the rate of 20 *paras* the first month and 5 *paras* for succeeding months. The discharging from vessels into boats, landing, storing, and delivering again, is done by the importer himself, and costs but very little, as labor is very cheap in this country. By personal influence, Soubhi Pasha, Zadé Sami Bey (that is, Sami Bey, son of Soubhi Pasha), has received from the Sultan a firman granting him the privilege of building petroleum stores very near by the old Government stores, and charging as follows: Forty *paras* for the first month, 15 *paras* for the second month, and 5 *paras* thereafter; furthermore, for the discharging from vessels to store and out again, 50 *paras* per case, such *paras* to be paid in advance.

"Sami Bey is not a business man, and has made another contract with two Asia-Minor Americans, H. A. Hadjean & Co., Samandji and Mundjean, Sami Bey to have 40 per cent. of the profits. These high expenses will work against American oil in favor of Russian oil, because the moment Russian oil arrives here it will be sold ex vessel and not be stored, *but this firman is against the international treaties*, and it is of great importance to American petroleum that it should be revoked.

"General Wallace stands very high in the favor of the Sultan, but it is necessary that some instructions should come to him in an official way from Washington."

Very respectfully,

J. N. CAMDEN.

C. F. Ackerman to Mr. Wallace.

CONSTANTINOPLE, *December* 4, 1882.

SIR: Will you kindly permit me to draw your attention to the following matter, which in my opinion is an injustice on the part of the Turkish Government against the trade of the United States:

My firm is Missner, Ackerman & Co., and is composed of Frederick Missner, living

Staten Island, N. Y.; Charles F. Ackerman, living Brooklyn, N. Y.; Charles F. L. Missner, living Staten Island, N. Y.; the latter, however, at Hamburg, Germany, in the interest of our firm. All of us are United States citizens. We are engaged in the export business of petroleum and its products to all parts of the world, and also largely to the Turkish possessions. We have at this time, even, a stock here in Constantinople, stored in the Government stores at Pashaba Ruhé. The rates of storage are there 20 *paras* per case for the first month and 5 *paras* per case for every month thereafter. The discharging from vessel to store and out again (labor in and out) is done by the owner of the goods himself and the cost is trifling.

Lately His Majesty the Sultan has granted a firman to Soubhi Pasha Zadé Sami Bey, granting him the exclusive privilege of erecting buildings (also at Pashaba Ruhé) for the purpose of storing therein all the petroleum that arrives here. These stores are now being constructed. It is made obligatory to store there all the petroleum that is arriving.

The firman gives Sami Bey the right to charge 40 *paras* for the first, 15 *paras* for the second, and 5 *paras* for every succeeding month; also 50 *paras* per case for the labor in and out, such 50 *paras* to be paid at once when the goods are stored.

Sami Bey has interested two American firms in this monopoly, named H. A. Hadjean & Co., and G. A. Samandji and Mundjean, both of this place.

The above charges are extravagantly high, and enhance the cost of an American product materially. Still, if the United States were the only country where oil is produced it would matter very little; the consumer would have to pay the extra charges; but by the competition of the road between Baku, on the Caspian Sea, and Poti, on the Black Sea, there is serious competition feared here of the Russian oils produced in or near Baku. The Russian oil would be brought on here in small craft, and be sold to consumers ex vessel, that competing seriously with the American oil brought on in larger vessels, with but short lay days to discharge.

I am informed that this firman is in violation of the treaty, and have taken, therefore, the liberty to draw your attention to an injustice towards American citizens. All what they desire is that the Government stores can be used as heretofore at the old rates.

I am extremely sorry that I cannot have the honor of a personal interview, being obliged to leave for Syria and Egypt.

My firm is represented here through Mr. A. Seefelder, who, however, is fully able to give any further information you should desire on this subject.

You will please excuse the trouble, but the case is important to American industry; and I remain, &c.,

C. F. ACKERMAN.

No. 528.

Mr. Wallace to Mr. Frelinghuysen.

No. 166.] LEGATION OF THE UNITED STATES,
Constantinople, January 18, 1883. (Received February 9.)

SIR: I beg to inclose a communication from the Sublime Porte. It is to be presumed the underlying object of the paper was to secure immunity to the Bible Society in the conduct of its book business, now subject to such constant interruptions by officials high and low in the interior. The mode determined upon appears to be the fixing a seal to each volume in the Constantinople store of the Society. It is asked that I send a telegram to assist in the work.

Upon receipt of the note from his highness, the minister of foreign affairs, I sent a copy of it to the managers of the Bible House, with request that they consider it, and give me their opinion of the plan proposed in writing. As the Society is the chief party in interest and the managers are good and sensible men, I was willing to subordinate my views to theirs. Possibly they might be willing to accept the plan. In due time I received a reply from them, of which a copy is transmitted. Thereupon I addressed a reply to the Porte. A copy of the latter paper is also transmitted.

I may be permitted to remark that this action on the part of the minister of foreign affairs grows out of the Gallipoli seizure of books, which remains unsettled.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 166.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 30, 1882.

Mr. ENVOY: In consequence of the several communications from your excellency and Mr. Heap, my department had given to whom it might concern the necessary instructions with regard to the books belonging to the agents of the Bible Society.

In order to avert for the future all claims arising from the seizure of these books, the imperial Government has decided on the proposition of the ministry of public instruction, to proceed to the usual examination which takes place on the introduction into Turkey of books or tracts, and to affix a special official seal to those whose introduction and circulation in the Empire offered no inconvenience. Concerning books printed abroad and at present in the hands of foreign booksellers, they shall be submitted at once to this formality.

I therefore beg your excellency to be good enough to appoint a delegate to assist the functionary named by the ministry of public instruction to visit the book-stores for the said purpose.

I have, &c.,

A. AARIFI.

[Inclosure 2 in No. 166.]

Managers of Bible House to Mr. Wallace.

BIBLE HOUSE, *Constantinople, January* 11, 1883.

SIR: In response to your favor of the 2d instant, informing us of the decision of the Sublime Porte as to the inspection and sealing of imported books, we desire, on behalf of the book department (for publication and sales) maintained by the American Bible Society and the American Board of Missions, to respectfully submit the following observations:

I. The inspection at the custom-house of books imported from abroad has always been practiced. The adoption of a system for marking, at the time of importation, those works which have been admitted to circulation, seems to us to be eminently desirable.

II. The proposed examination in the book depot of imported books already in stock is a measure less simple in its character. In so far as the inspection by Turkish officers of American property on the premises of Americans is concerned, we venture to hope that the departure from the privilege enjoyed under the treaties would be allowed only when the other powers represented at the Sublime Porte shall accept the proposal, so that the measure shall apply alike to all foreigners engaged in the book trade; also, that if the examination in depots is permitted by the United States Government, the concession may be so guarded as to have no force as a precedent for future departures from the rules of privilege accorded to American citizens residing in the Turkish Empire.

III. The adoption of a regulation for stamping books hereafter to be imported should, in our view, be accompanied by provisions for exempting from seizure imported books now on sale in various parts of the Empire. Without such a provision the new regulation would be retroactive, subjecting to seizure all foreign works not bearing the stamp, although imported before the promulgation of the new rule. It is needless to point out the hardship which would be caused to the trade by such seizures. In order to facilitate the labors of the imperial Government, we would willingly submit to the ministry of public instruction copies of all foreign-made books which we keep in stock. But of these same books large quantities, having been examined by the censors, are already on sale at provincial book-stores in every part of the Empire. It would be quite impossible to gather up and bring to the capital for the formality of stamping the books of foreign manufacture now on sale at distant cities. The expense of the operation would exceed the cost of the books, and in say-

ing this we speak not only for ourselves but for all dealers in foreign-made books. It appears to us that the imperial Government would not wish by a regulation made for its own convenience to inflict so heavy losses upon the book trade, and that it would attain the object which it has in view without injury to any private or public interests if it would admit that the examination of any one copy of a given edition is equivalent to the examination of every separate copy. If this principle is admitted the proper official could examine copies of the various imported books which are now on sale in the various book-stores, and in case the books are found innocuous, could permit the importer to print several hundred copies of a certificate describing the book and the edition examined. Such a certificate, after being verified at the ministry of public instruction by a seal attached to all its copies, could be placed in the hands of salesmen wherever depots of such books now exist, to be used as a permit of circulation for the books therein described.

We deem the adoption of some such provisions as those above set forth essential to the acceptable working of such a regulation concerning imported books as the imperial Government proposes to enforce.

In connection with this subject, however, we would once more refer to the losses brought upon the book trade in Turkey through the lack of respect shown in some of the provinces toward the permits issued by the ministry of public instruction, and through the absence of provision for the free sale of works published in this country with permission of the authorities, but before the publishers were allowed to record the permission of the department upon the title page of each book.

The American book department maintained conjointly by the Bible Society and the Board of Missions has published and sold books in the Turkish Empire during nearly fifty years. During this whole period it has conscientiously refrained from publishing works forbidden by the imperial Government. All of the books which it has published since the present regulations came into effect have been submitted to and authorized by the ministry of public instruction. But as is naturally the case, it has yet on hand a certain number of copies of works printed before the date of the present regulations and therefore without record upon the title page of the authority under which they were published.

In the absence of arrangements for the protection of such earlier editions we, in common with other publishers, find this class of books through no fault of our own practically outlawed. Such books are liable to seizure by any of the hundreds of officers in all parts of the Empire with whom our business brings us in contact. The vexatious losses caused by such a state of things need not be enumerated, but they certainly should not fall upon publishers who have throughout acted in good faith and in conformity to existing laws.

A regulation similar to that suggested above for the protection of imported books now in stock would probably sufficiently meet the case of the earlier editions yet in the market of books manufactured in this country.

The question of the lack of respect shown by provincial officials to the authorizations of the ministry of public instruction is also a serious hindrance to the prosperity of the book trade. A publisher here submits his manuscript to the censorship, and receives permission to print and publish. He naturally supposes that the imperial Government, by granting this permit, has agreed that it will not limit his liberty to sell his book. Hence he invests money in bringing out his edition and in putting it into all the markets of the Empire. But when this publisher sends out his books he meets difficulties innumerable. The authorities at any seaport where these books are disembarked claim the right to institute a new inquiry into the intrinsic merits of a work upon which the ministry of public instruction has already set its authorization. The books have to be overhauled, taken to one officer after another; the publisher or dealer is subjected to vexatious delay, to expense of an agent to follow the books through various stages of inquiry, and to loss by injury to the books through repeated handling. The same process is repeated at every place in the interior where an official chooses so to interfere with a legitimate trade. In view of the great expense of transportation in this country, a publisher is, in the most favorable circumstances, forced to content himself with a price which leaves him a very small margin. Such needless and, if we may use the term, illegal interference of provincial officials necessarily uses up that small margin, and constitutes a hardship from which we believe that the imperial Government is morally bound to deliver us by obliging provincial authorities to respect its own authorities.

The question of a *modus virendi* for American book publishers in Turkey has several times been brought to your notice. Cases of illegal detention of authorized books, as at Gallipoli, Erzroom, Germuljma, and at other places, yet await due redress. We cannot believe that the imperial Government would purposely prolong a situation full of disaster for an industry which, like the book trade, must be counted as beneficial to the people of the Empire. At the same time, trusting to the encouragement afforded us by the authorizations issued to us in this and in past reigns, we have invested very large sums in the business of book publication and sale in this country.

These investments are imperiled by an interference with our legitimate rights altogether unprecedented in our long experience. Hence should there be a further delay on the part of the Sublime Porte in providing us with relief from the intolerable hardships above described, we must respectfully request that you will represent the necessity for serious remonstrance to the Department at Washington.

Very respectfully, &c.,

HENRY O. DWIGHT.
ISAAC G. BLISS.

[Inclosure 3 in No. 166.]

Mr. Wallace to Aarifi Pasha.

No. 141.] UNITED STATES LEGATION,
Constantinople, January 14, 1883.

HIGHNESS: I beg to acknowledge the communication you were pleased to send me, dated December 30 last, and in reference thereto permit me to observe in the first place that the action resolved upon by the imperial Government with respect to the protection of books and tracts of the American Bible Society is altogether unlike any request from me upon the subject. The suggestion I made to your predecessor may be found in my note to him dated June 15, 1882, and numbered 115. It is as follows:

"The opportunity avails me to refer to our recent conversation upon the subject, and to formally submit to you the suggestion I had then the honor to make, that with a view to finding a way to effectually prevent like interruptions and seizures in the future a conference be held between a person representing the minister of public instruction, one from the Bible Society, and Mr. Gargiulo for this legation. It would seem that a plan might be agreed upon to accomplish the object without detriment to any existing right of the imperial Government or the Society. If the suggestion commends itself to your excellency I would be pleased to be informed of it, that speedy action may be taken."

In a subsequent note, No. 118, to the same official, I referred to the foregoing as follows:

"In this connection I will presume to invite you to give consideration to my recent suggestion touching a conference to be had with a view to finding some acceptable and effective mode of preventing like seizures and detentions (of books) in the future."

I feel confident these quotations from papers on the files of your highness's office will satisfy you that the requests in your present note are not only unresponsive to communications from me, but really in denial of them.

The conference, which was of my proposition, was intended to find, if possible, some plan curative of the evils complained of, and at the same time regardful of all existing rights, those of the Government not less than those of the Bible Society. I do not say it in the way of accusation, for it gives me pleasure to acknowledge your goodness of intent in the adoption of the proposals of the minister of public instruction, who doubtless was also proceeding with the best of motives; but I must be permitted to express it as my judgment that the attachment of a seal simply to the books now in the store of the Society in this city will work irreparable injury to it. This you will readily understand when I remind you of the many thousands of its books now out at points in the provinces, and held there for sale and distribution, and which cannot be recalled for sealing under the proposed new arrangement. All that property, it can be foreseen, would be emperiled, if not actually lost. There are other reasons that might be given compelling me to decline your highness's request to send a delegate to assist in stamping the books of the Society with a seal, but it is needless to recite them; this one is of itself sufficient.

If the minister of public instruction desires merely to examine and ascertain whether the Bible Society is printing objectionable books, or has any such in its rooms and offices for sale, the managers of the Society will be happy to open their doors to facilitate their work, and it will give me pleasure to honor your highness's requests in that connection.

I again renew my suggestion of a conference of delegates as given in my dispatch to your predecessor, and as herein quoted. Nothing may come of it, yet the troubles to the Porte and to the Bible Society, not to speak of this legation, are so frequent and annoying that it seems highly necessary to find an arrangement which will be satisfactory to all the parties concerned.

I avail, &c.,

LEW. WALLACE.

No. 529.

Mr. Wallace to Mr. Frelinghuysen.

No. 168.] LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1883. (Received February 23.)

SIR: Upon a statement of facts furnished me by Rev. Henry C. Dwight, of this city, I have addressed a note to the minister of foreign affairs, of which a copy is inclosed.

The wrong disclosed is of a kind not to be neglected. In my judgment the only policy to be pursued in such cases is to see that the offenders are promptly and vigorously pursued to some kind of punishment, if only to give notice to the disturbing elements of the locality that somebody has an eye to the rights and personal safety of exposed foreigners. The reply of the Porte is also inclosed.

Very respectfully, &c,

LEW. WALLACE.

[Inclosure 1 in No. 168.]

Mr. Wallace to Aarifi Pasha.

No. 144.] UNITED STATES LEGATION,
Constantinople, January 25, 1883.

HIGHNESS: Permit me to bring the following affair to your notice:

In May, 1882, a house in the city of Erzingan, vilayet of Erzroom, was purchased as a residence for Rev. Mr. R. M. Cole, an American citizen in the service of the American Board of Missions, and pending Mr. Cole's arrival at Erzingan it was placed in charge of Mr. Hobamus Keverkian, a Turkish subject in the employ of Mr. Cole.

Late in the night of August 19, 1883, before Mr. Cole's arrival, an armed mob of about one hundred Armenians, led by some of the substantial men of the city, made an unprovoked attack upon the house, discharging fire-arms, using violence towards some of the inmates, and leveling to the ground the wall of the inclosure in which the house stands. Representations have been made to the local government by Mr. Cole, but without as yet getting the police authorities to give any attention to the breach of the peace. In fact, he has used all effort to obtain justice in the case, but in vain.

That your highness will view this wrong to an inoffensive man in its proper light I do not doubt, nor do I doubt that justice will be meted out to the offenders. The steps to be taken are left to your highness's enlightened judgment.

I avail, &c.,

LEW. WALLACE.

[Inclosure 2 in No. 168.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 27, 1883.

SIR: I received the note which your excellency was good enough to address to me on the 25th of this month, No. 144, relative to the complaint made by the reverend father, Mr. Cole, an American citizen, living at Erzingan, against some Armenians.

The necessary communications were immediately sent by telegraph to the imperial authorities of the vilayet of Erzroom. I shall not fail to inform your excellency of their reply as soon as it is received.

I avail, &c.,

A. AARIFI.

No. 530.

No. 169.] *Mr. Wallace to Mr. Frelinghuysen.*

LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1883. (Received February 23.)

SIR: If you will be good enough to refer to my dispatch to the Department, No. 98, June 9, 1882, it will be seen that a protest was called for from this legation by a projected regulation of the storage of petroleum in Smyrna. In the same dispatch, as will also be observed, a reference is made to a like scheme for operation in Constantinople. My protest of that date was accordingly drawn to cover the imposition proposed for both cities. A note from the minister of foreign affairs received January 10, 1883, informed me that, the necessary preparations having been made, all ships arriving at Constantinople with petroleum must land their cargoes in the depots built by certain concessionaries of the Government at a place designated.

A year or two ago this regulation would not have been of much importance except to consumers of petroleum, for it was then an American commodity exclusively. The development of the wells of Russia, however, has created a competition which is beginning to make itself felt in this market. The article is vastly inferior; nevertheless, the demand for it grows apace, making the protecting of the interests of dealers in our product a matter of greater care.

The Russians bring their stock here in small vessels via the Black Sea; and, there being a rule which permits the shipper to sell from his ships in limited quantities, their usage is not to land their cargoes. The advantage is obvious. The steamers which bring American petroleum must discharge in bulk, and the dealers pay a storage charge to the owners of the depots. There are no other depots, and a man cannot have a storehouse of his own. Into this particular lodgment he must drop his goods, *nolens volens*. The Government, of course, gets a dividend from the charges. Its share in Smyrna was to have been 1 per cent.; what it is to be here has not yet been divulged.

Prior to this new regulation petroleum from America was landed at a depot at or near the locality now designated for the purpose. The charge was light, and, admitting the necessity for storage of an article so dangerous outside the city limits, dealers were satisfied. That you may see how the present action of the Government is received by merchants generally, I inclose a communication to me upon the subject. The subscribers, it is to be remarked, are of several nationalities, and they refer in their paper to an expression had in the matter from the chamber of commerce of Constantinople. They all agree that the effect of the order of the Sublime Porte, if it is carried out, will be to double the tax or charge upon the article fixed by our treaty.

Under these circumstances, and with a design to protect our interests as energetically as possible, I sent the Porte a note, of which a copy is herewith transmitted. I followed the communication in person, and had a long interview with his highness the minister of foreign affairs. Indulge a hope that a good effect will be produced. There will at least be a speedy answer.

Trusting my action will meet approval, I will make haste to inform you of the imperial decision when it shall have arrived.

Very respectfully,

LEW. WALLACE.

[Inclosure 1 in No. 169.—Circular.]

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 10, 1883.

The depots of petroleum which the concessionaire, Sami Bey, and his partners had undertaken to construct on a piece of ground situated beyond Tchiboukli are now finished.

In future vessels arriving in the port of Constantinople will have to unload their cargoes of petroleum in the depots.

The prefecture of the town has taken the necessary dispositions to this effect.

The ministry of foreign affairs begs the legation of the United States of America to be good enough to inform those of its citizens whom it may concern, so that they on their part may conform with the measure in question.

[Inclosure 2 in No. 169.]

Merchants to Mr. Wallace.

SIR: We, the undersigned, merchants in this city doing business in petroleum, especially with America, have the honor to inform you of the following facts:

Several years ago the Ottoman Government, with wise foresight, established at Pasha B ochtchi a general depot for petroleum, whose warehousing in the city itself would have been dangerous.

We agreed to pay depot dues and to pay also for a guardian which the creation of this depot required, but upon condition that these dues should not exceed the reasonable charges which the prefecture of the city was to make for the protection of the goods which it took charge of.

This situation lasted several years without causing much complaint. Some months ago an influential person of this city, Sami Bey, succeeded in obtaining from the Ottoman Government the concession to work this depot.

Thereupon the useful object that the Government had in view in creating this depot found itself at once changed into a regular speculation, and the dues to be paid to the contractor of this enterprise are nearly doubled.

These dues are so excessive that the chamber of commerce of our city, on being informed of the action of the above-mentioned grantee of the concession, hastened to write to the prefect of the city to state to him, in the most categorical manner, that it considered the new mode of procedure was ruinous to commerce. And, in fact, by the reception of this new tax, at the actual price of petroleum, the import taxes due in virtue of the treaties are simply doubled. In this way the Ottoman Government has in an indirect manner raised the tax of 8 per cent., the only import duty allowed for American products coming into Turkey.

The Ottoman Government, in according this concession, has openly violated the treaties which control the commercial relations of Turkey with foreign countries.

But this is not all. The prefecture of the city, by an abusive application of the above-mentioned concession, intends to subject foreign merchants to the payment of the new tax, even if the latter do not warehouse their merchandise in the new depot, but deliver them directly on the market. The vessels containing petroleum anchor outside the harbor at a place chosen by the prefecture of the city, and the unloading of the merchandise is done in conformity with the prescribed regulations in force.

On the refusal of the merchants to pay this tax, which nothing justifies, the administration of the custom-house refuses to allow the merchandise on board vessels to be unloaded, and exposes them thereby to inevitable injury and enormous demurrage expenses.

We believe it superfluous, Mr. Minister, to enlarge upon the arbitrary character of these regulations, or to show how opposed the claim of the prefect of the city and the administration of the custom-house are to the treaties.

We therefore confine ourselves to note this fact to your excellency, persuaded that you will be good enough to intervene and cause to be respected the diplomatic convention regulating the importation into Turkey of American products.

We have, &c.,

J. W. WHITTOLL & CO., and others.

[Inclosure 3 in No. 169.]

No. 142.] *Mr. Wallace to Aarifi Pasha.*

HIGHNESS: The *note verbale* received by this legation from the Sublime Porte January 10, 1883, informs me that ships arriving in the harbor of Constantinople with petroleum must land their cargoes in the depots founded by certain concessionaries of the

imperial Government at a place designated. This action, it must be remembered, is decided upon in disregard of the protest which it was my duty to make against it in a former note, No. 113, addressed to his excellency, Said Pasha, minister of foreign affairs, and dated June 7. 1882.

The policy of the Sublime Porte, if persisted in, will be decisive of an intention on its part to justify a series of discriminations conceived and carried out against American productions and manufactures imported into the Ottoman Empire under specific treaty regulations.

The four articles of chief importation from the United States are salted meats, alcohol, petroleum, and cotton goods; and, most extraordinary, of these the first in the order stated is under absolute interdiction, while the second and third are yielding duties in excess of the agreed tariff rates.

To make the inference of purpose on the part of the Sublime Porte more clear, a movement was very recently enforced in the custom-house at Smryna to subject certain cotton goods from the United States to a duty also largely in excess of the existing tariff. Being informed of the action, and of the pretense given out for it, and that it originated here, I sent the dragoman of the legation to the president of the council, in hopes of inducing him to change the order, and so avert the making it a formal diplomatic question. That official replied that he did not recognize our tariff. When asked if his reply was official, he said it was.

Your highness will be good enough to allow me to observe now that this communication is not merely in protest, but to make definite whether the Sublime Porte really means to repudiate the treaty between my Government and that of His imperial Majesty, the Sultan.

I avail, &c.,

LEW. WALLACE.

No. 531.

Mr. Davis to Mr. Wallace.

[Extract.]

No. 47.] DEPARTMENT OF STATE,
Washington, January 29, 1883.

SIR: Mr. Heap's dispatch No. 147 and yours No. 158, of the 2d and 25th ultimo, respectively, relating to the release at your intercession of five Greeks imprisoned at Janina, have been received. It is always pleasing to this Government to observe on the part of another deference to a spirit of clemency in the execution of the harsh dictates of military justice; and it is especially pleasing when such action responds to a natural expression of sympathy on the part of the representative of this Government. It is trusted that, should occasion require your intercession in behalf of American interests at any time, your exertions will be no less favorably received.

* * * * * * *

Possibly the cheerful compliance of the Turkish Government with your request in this case may foreshadow a better disposition on its part toward American interests which may be affected by the allegation of native prerogatives over them, and in the assumption that this is so your course is approved.

I have sent copies of both dispatches to Mr. Schuyler for the information of the Hellenic Government.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 532.

Mr. Davis to Mr. Wallace.

No. 49.] DEPARTMENT OF STATE,
Washington, January 30, 1883.

SIR: Your No. 159 of the 1st instant has been received. You therein communicate copy of the recent correspondence had with Aarifi Pasha, touching the tax imposed upon imported American alcohol. Your note to the minister of date December 29, 1882, is approved so far as it insists upon consideration of the treaty point.

It is, perhaps, natural that Turkey, having imposed upon the native manufacture of alcoholic beverages an internal-revenue tax considerably higher than the import duty allowed by treaty on the article of which those beverages are compounded, should seek to equalize revenues and prevent fraud by subjecting imported alcohol to an internal-revenue charge, after it has paid import duties, so as to equalize the tax on the raw fluid and the manufactured result. But such a proceeding is clearly contrary to the engagements of treaties. If the alcohol be converted into the beverage mastic, or into any other distinct article of trade, it becomes, in such modified form, liable to whatever internal tax may be assessed on the manufactured article. Until its nature is changed, however, by admixture or manufacture, it is simply for such purposes a raw material, on which a single duty, paid once for all, must suffice.

It may be that the internal-revenue tax imposed in Turkey upon alcohol there produced by distillation from wine, must, fermented lees and the like, is so high, relative to the import duty on distilled alcohol, as to amount to a prohibition of native distillation. If so, that is an economical error, not to be remedied by defying the provisions of treaties.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 533.

Mr. Frelinghuysen to Mr. Wallace.

No. 52.] DEPARTMENT OF STATE,
Washington, February 12, 1883.

SIR: Your No. 166, of the 18th ultimo, has been received. You therein present the proposition of the Government of Turkey looking to the overhauling of the books of the American Bible Society at Constantinople, and the fixing of a seal upon such of them as may be found unobjectionable. You also inclose copies of the correspondence exchanged upon the subject.

The letter of the managers of the Bible House, Messrs. Dwight and Bliss, copy of which accompanies your dispatch, and of whom you sought advice concerning the matter, very clearly shows the objections to the proposal.

Your action thereon, in addressing the minister of foreign affairs a note declining to appoint a delegate for the purpose named, is approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 534.

Mr. Wallace to Mr. Frelinghuysen.

No. 175.] LEGATION OF THE UNITED STATES,
Constantinople, February 13, 1883. (Received March 5.)

SIR: The answer of the minister of foreign affairs to my note No. 126, concerning the right of American citizens to convey real estate, has been received, and I have the honor to inclose a copy and translation of it for your consideration. You will observe the Porte makes concession of the rights of Mr. Sidi's sons, but persists in denying everything to the father himself.

As this affair is really of interest to other powers, as well as our own, I have thought it best to put another protest on file applicable particularly to the case of Sidi, father. A copy of this paper is also inclosed.

If an answer to the last communication is unreasonably delayed, I will submit the question to my colleagues of the diplomatic corps generally, and endeavor to secure their co-operation.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 175.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 21, 1883.

SIR: As I was about answering the note that your excellency was good enough to write to my department on the 25th of last September, No. 127, relative to the affair of Mr. Alexander Sidi, an American merchant at Smyrna, I received your communication of the 2d of this month, No. 140, on the same subject.

The governor-general of the vilayet of Aidin, questioned on this affair, has just informed us that Mr. Sidi, Ottoman subject, born in Smyrna, becoming afterwards a naturalized American citizen, could not possess real estate in Turkey, as stated in paragraph 2 of the first article of the law of the 7th Sépher, 1284, which accords to foreigners the right to possess real property. This exclusion, however, does not extend to his two children, whose birth in the United States has been established, and who have consequently been admitted to the enjoyment of the faculty of transferring real estate in their own name.

Concerning property entered in the name of Mr. Sidi, it comes under the application of Article III of the code on real estate. This legal provision is the one provided for in the second paragraph of the first article of the law of the 7th Sépher, 1284.

I avail, &c.,

A. AARIFI.

[Inclosure 2 in No. 175.]

Mr. Wallace to Aarifi Pasha.

No. 146.] UNITED STATES LEGATION,
Constantinople, February 10, 1883.

HIGHNESS: The note dated January 21,1883, relative to the affair of Mr. Alexander Sidi, of Smyrna, has been received at this legation. If I presume to address you again upon the subject, you will be good enough, I trust, to attribute it to the great interest my Government naturally feels in the question presented, and my own desire, not less great, that the two powers should happily dispose of what may become a serious business before a case actually arises for settlement. I beg in the first place to thank your highness for the declaration, which I understand to be as authoritative as it is explicit, that the exclusion from the right to hold real property in Turkey, as maintained in your note, does not extend to the children of Mr. Sidi born in the United States.

The next proposition of your highness, that Article III of the code of real estate is the special law provided for in the second paragraph of the first article of the 7th Sépher, 1284 (June 10, 1867), cannot be accepted by my Government. As a conclusion, it is held to be unwarranted by the language used in President Grant's proclamation. The code referred to was in force in 1858, long prior to the protocol conferring upon foreigners the privileges under consideration, and unless the object had been to give rights to naturalized citizens of the United States formerly Ottoman subjects in contravention of the code, mention of them would not have been made at all. Most conclusively, however, Article III of the code is a general law, while the paragraph of the proclamation relative to the class of citizens described calls for a special law. All these points, it is to be further remarked, are consistent with the presumption that my Government, in accepting the protocol, could not have intended to dishonor itself by an arrangement so palpably prejudicial to any portion of its citizens as that which would result if your highness's argument were admitted.

Putting the general question aside, however, and viewing the matter as of interest to Mr. Alexander Sidi alone, I may be allowed to say it is hardly conceivable that the Sublime Porte will do itself the wrong of disputing his rights, deriving as they do a peculiar coloring from peculiar circumstances of the case. On the 4th January, 1853, he became a citizen of the United States by naturalization. After twenty years' residence in that country he returned to Smyrna to pursue the vocation of merchant. In 1877 he was permitted to have two houses passed to him as an American citizen; his title to them was duly perfected; nor was there an objection made either to his acquisition of the property or the holding it until last year, when he sought the authorities to give him permission to dispose of it, a request which they refused on the ground that he could not possess real property. Now, I pray your highness to permit me to make yet more conspicuous some of the points in connection with this brief history which a person evilly disposed toward the imperial Ottoman Government could use against it with powerful effect:

1. The acquisition of the property by Mr. Sidi originally was with permission of the authorities, for without such permission he could not have taken it.
2. He held it in open notorious enjoyment for nearly seven years without objection from the authorities.
3. At length, wishing to sell it, he addressed himself to the authorities, who refused to grant him the necessary permit to do so.
4. And then the authorities informed him that the privileges of the protocol did not extend to him, because he had been an Ottoman subject before he became a naturalized American citizen.
5. The authorities did more: they informed him that at his death the property so acquired would inure to the Government for religious behoofs.

Observe, I pray your highness, to what this last declaration commits your Government. Is it not saying in fact that though Mr. Sidi acquired no title to the property in the first instance, yet his death will cure all defects, and give the state a perfected title; that whether he wished to or not he shall carry the property inalienably to his grave, and then it shall be diverted to religion for the glorification of God? Speaking with becoming reverence, I do not believe God would be gratified by enrichment in such a manner; but be that as it may, the world has a name for such a transaction which courtesy forbids me to use. I have not the slightest doubt that your highness will view the affair as I do; wherefore, praying pardon for the length of this communication, I beg to renew my former protests against the decision announced, and, as a special matter, request that a permit may be ordered by which Mr. Alexander Sidi can dispose of the property already acquired by him.

It may be of some influence to assure your highness that my Government has approved the paper I had the honor to transmit to you, touching this subject, dated September 25 last, and numbered 127.

I avail, &c.,

LEW. WALLACE.

No. 535.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No 178.] LEGATION OF THE UNITED STATES,
Constantinople, February 20, 1883. (Received March 13.)

SIR: I have the honor to report that the concession granted by the Sublime Porte to certain parties for the purpose of establishing a gen-

eral depot for the storage of petroleum near this city has been suspended, and the *status quo ante* restored.

After presenting an unconditional protest to the concession, coupled with a demand that it should be withdrawn, and thus saving the record in our behalf, I called upon his highness the minister of foreign affairs, and satisfied myself that he could be moved to do justice in the matter. Then, as the first step, I asked him to suspend the execution of the concession, and supported the request with a statement that the measure was of importance to justify a more careful consideration upon the part of the Government than had evidently been given it. After the suspension, I said further, we could at leisure make an effort to effect an arrangement which might possibly prove satisfactory to all the parties concerned. The result is stated.

* * * * * * *

I have, &c.,

LEW. WALLACE.

No. 536.

Mr. Frelinghuysen to Mr. Wallace.

No. 55.] DEPARTMENT OF STATE,
Washington, February 27, 1883.

SIR: I have to acknowledge the receipt of your No. 168, of the 25th ultimo, reporting the outrage perpetrated by Armenians upon the Rev. R. M. Cole, an American citizen, in the city of Erzingan, and your action in immediately addressing the Turkish Government asking that the offenders be punished.

In approving your course as discreet and prompt, I have to add that it is hoped the result will be immediate and satisfactory.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 537.

Mr. Frelinghuysen to Mr. Wallace.

No. 56.] DEPARTMENT OF STATE,
Washington, February 28, 1883.

SIR: Your No. 169, of the 25th ultimo, has been received. It presents a new regulation by the Sublime Porte for the storage of petroleum, and gives copy of your protest of January 20 last, to the minister for foreign affairs, respecting the subject.

In approving your course and awaiting further developments with interest, I can do no less than say that the Department commends your energetic and timely action.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 538.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 189.] LEGATION OF THE UNITED STATES,
Constantinople, March 14, 1883. (Received April 3.)

SIR: I received on the 13th instant two communications from the Sublime Porte, through his highness the minister for foreign affairs, one relative to the treaty of commerce between Turkey and the United States of America of 1862, and its duration; the other relating to revision of the old treaty, and presenting propositions, one to seven, inclusive, which the imperial Government offers as a basis for the negotiation of a new treaty.

As the papers came to hand too late for the last mail to America, I have availed myself of the interval to have them translated. They are now inclosed by copy and translation. I have the honor to forward them without loss of time. * * * Excepting the item pertaining to cards and matches, the several propositions have been made as obscure as generality will permit; still, it is possible to arrive at the objects they cover with sufficient certainty to form an opinion of them.

Since their receipt I have not been able to see my colleagues of the corps and hear their views. It is not to be doubted, however, that the powers whose existing treaties are not yet subject to denouncement will decline to waive their present rights for the prospect of obtaining a maximum rate of 20 per cent. in place of 8 per cent., as now established. How far the favored-nation clause is in such case available in our behalf, I am equally confident will receive due attention from the Department.

I have done no more in the matter than receipt for the two communications, and will not until your advices are to hand.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 189.—Translation.]

Aarifi Pasha to Mr. Wallace.

Although the duration of the treaty of commerce concluded between Turkey and the United States of America has been fixed to twenty-eight years from the 1st (13th) of March, 1862, each of the high contracting parties has "nevertheless reserved to itself the faculty to make it known to the other party at the expiration of the fourteenth or the twenty-first year, if it has the intention to revise this treaty or to make it cease at the expiration of one year from this information."

In the opinion of the imperial Government the experience acquired during the past twenty-one years since the treaty of commerce has entered in force proves the necessity of radically modifying the stipulations therein. In fact, it is evident that the existence of a special tariff of importation for each country, the uniformity of an import tax for all goods imported, the taxation according to the presumed value of a large number of articles, and other causes inherent to the stipulations of the treaty of 1862 have created a state of things very injurious to commerce and prevent any amelioration in the customs administration of the Empire.

The Sublime Porte having hence decided to take advantage of the faculty stipulated in the before-mentioned article, the undersigned minister of foreign affairs of His Imperial Majesty, the Sultan, makes it his duty to declare to his excellency Mr. Wallace, envoy extraordinary of the United States of America, that the treaty of commerce concluded between the two countries on the 25th of February, 1862, will cease to be in force on the expiration of one year from the date of the present notification.

In requesting his excellency Mr. Wallace to take notice of the declaration which precedes, the undersigned avails, &c.,

A. AARIFI.

[Inclosure 2 in No. 189.—Translation.]

Aarifi Pasha to Mr. Wallace.

Mr. ENVOY: In connection with my communication of this date, I hasten to inform your excellency of the proposition that, in the opinion of the imperial Government, should be used for a basis to the new treaties of commerce which Turkey wishes to make with the United States and the other friendly powers.

They may be resumed as follows:

1. To tax the goods with specific dues to be established on the unity either of weight, of volume, or of surface.
2. To make up a sole tariff, to be applied indistinctly to the products of all countries, and imposing jewelry and silversmith trade with specific dues not to exceed 3 per cent. and graduated in the reversed proportion of the value and the remaining articles imported to dues of two categories, the one smaller and the other higher, but not to exceed 20 per cent.
3. To increase the dues imposed on wines and alcoholic drinks in proportion with the excise dues which might be established on similar Ottoman articles.
4. To reserve the right of establishing the monopolies on playing cards and matches.
5. To suppress the transit dues and grant the faculty of real warehouses, and absence of establishments of this kind, fictitious warehouses, in conformity with regulations to be edicted.
6. To maintain the collection of the dues on light-houses, anchorage, and quarantine, and to reserve the faculty of imposing on all articles shipping and landing dues, exclusively assigned to the expense of the establishments necessary to the harbors of importation and exportation.
7. To regulate the payment of duties in gold *medjidies* at 100 *piastres*.

In requesting your excellency to be good enough to bring these propositions to the knowledge of the Government of the United States of America, I am pleased to hope that it will kindly accept them as the basis of our future negotiations for the conclusions of a new treaty of commerce between the two countries.

Accept, &c., A. AARIFI.

No. 539.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 205. | LEGATION OF THE UNITED STATES,
Constantinople, April 12, 1883. (Received April 30.)

SIR: I have the honor to transmit to the Department a copy and translation of a note upon the subject of the books of the American Bible Society, containing a statement from the imperial minister of public instruction of his plan of sealing or stamping volumes with a view to prevent seizures and detentions by officials in the interior.

* * * * * * *

A copy of my communication in reply is herewith forwarded. * * *

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 205.—Translation.]

Aarifi Pasha to Mr. Wallace.

SUBLIME PORTE, *April* 2, 1883.

Mr. ENVOY: I have had the honor to receive the note your excellency kindly addressed to me on the 14th of January last, No. 141, relative to the books and tracts of the American Bible Society.

The minister of public instruction, to whom your excellency's observations have been communicated, just gives the following reply:

The examination of foreign books and tracts is solely in view to prevent the circulation within the Empire of all works contrary to the morals and usages of the country, or hurting any of the creeds recognized by the state. The mode of inspection adopted by the imperial authorities is the best suited to reach the result in a practical manner.

With regard to the American Bible Society, it will not suffer from it, inasmuch as all its printed, or to be printed works which do not present the inconvenience of ridiculing the religious opinions officially recognized, treat either of Protestantism or of scientific and literary matter, which are not in any way in opposition with the essential view heretofore indicated. Therefore the council of public instruction, every time that such works are to be published in one of the languages spoken by the Christians of the country, does not hesitate in granting the required authorization in accordance with the law and the general rules. Consequently, the question is confined to the inspection of such works as are to be found in the depots of the society which have been printed without authorization or have been received from abroad. This point as well cannot present any difficulty, inasmuch as they will confine themselves to putting a seal on the religious and other books which the law authorizes, that which, besides, is admitted in your excellency's before-mentioned note.

With such conditions a conference has no reason to be. At the same time, in order to avoid any occasion for complaint, the authority promises to make the examination of the religious books and others with the greatest possible celerity.

Such is, in substance, Mr. Envoy, the answer the above-mentioned minister forwarded to me.

In submitting it to the equitable appreciation of your excellency, I avail, &c.,

A. AARIFI.

[Inclosure 2 in No. 205.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, April 12, 1883.

HIGHNESS: In the note with which you favored me under date of April 2 instant, you are good enough to give the answer of his excellency the minister of public instruction to my communication of January 14 last, No. 141, relative to the books of the American Bible Society.

The object of his excellency, in his proposal to attach a seal to such books as have been inspected to the satisfaction of the proper officers of his department here in Constantinople is, as I take it, that the seal may be evidence to officials elsewhere in the Empire of the fact that the volume to which it is appended has been duly licensed according to law, rendering a further inspection by them unnecessary, and a stoppage for purposes, other than examination, to see if the seal is in fact attached, unlawful. To this object I do not see how an objection can well be made. It is, therefore, with the more regret I find myself obliged to ask a more definite understanding than is afforded by your highness's note touching the point heretofore presented by me (No. 141), as to the difficulty, if not impossibility of affixing the seal to the thousands of volumes already dispatched to the interior of the Empire for sale and distribution. It is also highly important to be exactly informed what is to be the cost of sealing the books. Both these points, you will observe, are without mention in the answer of his excellency the minister of public instruction.

Possibly his excellency will permit a suggestion that he furnish me a copy of the regulations which may have been issued upon this subject. That, it seems to me, is but right, particularly as a mode of dealing with the Bible society whose property is the subject of regulation. Until full information is furnished as requested, it will be my duty to adhere to the objections stated more at length in my aforesaid dispatch, No. 141, and to protest against the execution of the plan of his excellency, above referred to.

I avail, &c.,

LEW. WALLACE.

No. 540.

Mr. Wallace to Mr. Frelinghuysen.

No. 211.] LEGATION OF THE UNITED STATES,
Constantinople, May 1, 1883. (Received May 21.)

SIR: I have the honor to inclose a copy of a communication addressed to the minister of foreign affairs upon the subject of the attack upon the house of Rev. Mr. Cole, of Erzingen, vilayet of Erzroom. You will doubtless observe it is the third one touching that affair.

I am, &c.,

LEW. WALLACE.

[Inclosure in No. 211.]

Mr. Wallace to Aarifi Pasha.

No. 159.] UNITED STATES LEGATION,
Constantinople, April 23, 1883.

HIGHNESS: In view of the assurances given me, and repeated by your highness, that the persons engaged in the attack upon the house of Rev. Mr. Cole, in Erzingen, vilayet of Erzroom, should be discovered and punished, I regret to find it necessary to bring that affair to your attention the third time.

This legation has information, under date of the 14th April instant, that no action in the matter has been taken by the local government since the receipt of your highness's several communications containing the aforesaid assurances. Previously thereto there had been a so-called investigation, in which neither the parties whose premises were invaded nor any of their witnesses were called or permitted to testify, a one-sided procedure which I think myself justified in denouncing as a scheme intended to screen the wrong-doers from punishment. In the hope that the higher court at Erzroom may be constituted of officers more enlightened in the law and more honorable in its administration, the parties attacked have appealed to it, and on the appeal so taken the business is at present resting. Your highness, having a disposition to prevent lawlessness in the Empire, and see that justice is done, will perceive the opportunity here offered to make examples. I wait with renewed interest to see if anything will come of the orders which I am led to believe have been in fact issued in behalf of the Sublime Porte.

I avail, &c.,

LEW. WALLACE.

No. 541.

Mr. Davis to Mr. Wallace.

No. 79.] DEPARTMENT OF STATE,
Washington, May 8, 1883.

SIR: Your dispatch No. 205, of the 12th ultimo, touching the plan proposed by the Turkish minister of public instruction for preventing future seizures of books of the American Bible Society, by affixing a seal or stamp to them, has been received.

Your note to the minister of foreign affairs upon the subject is approved, the grounds upon which you base your present protest being concurred in by the Department, and it is conceived to be essential that you should, as your note indicates, receive more definite information in relation to the proposed measure before finally giving your assent thereto.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 542.

Mr. Wallace to Mr. Frelinghuysen.

No. 218.] LEGATION OF THE UNITED STATES,
Constantinople, May 15, 1883. (Received June 4.)

SIR: A short time ago, through the interpreter of the legation, I made verbal application to the imperial minister of public instruction for a permit to reprint the Holy Bible and Testament in Arabic. This was in behalf of the American Bible Society, whose editions in that language are about exhausted. At the same time Mr. Wyndham, H. B. M.'s chargé d'affaires here, acting for the corresponding British society, presented a like request to the same official. The note verbal herewith inclosed by copy is the result. It is to be presumed a similar answer has been returned to my colleague.

Immediately upon receipt of the note I made haste to transmit a copy of it to the Bible House, with an explanation, of which a copy is also inclosed. Until I have answer from the Bible House I shall take no further step in the business. Fortunately there is at this moment a convention in session in Stamboul, composed of a greater part of the American missionaries at work in Turkey. The question of acceptance of the permit will receive full consideration and be wisely determined. I have no doubt it will be promptly rejected.

I am, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 218.—Translation.]

NOTE VERBALE.

SUBLIME PORTE, *May* 9, 1883.

In reply to the *takrir* which the legation of the United States of America addressed to him on the 13th of February last, the minister of foreign affairs has the honor to inform it that the department of public instruction has decided to grant the authorization asked for the printing of Bibles and Testaments, on the condition that the cover and the first page of each book shall contain the notice "For the use of Protestants," a condition which will be inspected in its execution.

The imperial minister begs the legation of the United States of America to communicate this decision to the agencies of the Bible House, and to invite them to address the council of public instruction to obtain the authorization required.

[Inclosure 2 in No. 218.]

Mr. Wallace to Rev. Mr. Pettibone.

UNITED STATES LEGATION,
Constantinople, May 11, 1883.

MY DEAR SIR: I inclose a copy of a communication received yesterday from the Porte relating to reprinting the Bible and Testament. Be good enough to submit it to the brethren interested, and give me a report of their wishes, the question being whether or not to accept the authorization, with the condition attached.

I am, &c.,

LEW. WALLACE.

No. 543.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 219.] LEGATION OF THE UNITED STATES,
Constantinople, May 19, 1883. (Received June 11.)

SIR: I have the honor to report the receipt yesterday of a communication from his highness the minister of foreign affairs, upon the subject of the tariff, which, following the course heretofore indicated of referring this matter to your primary consideration, I make haste to transmit to you by copy and translation.

One point I anticipate you will wish to be informed of, and I therefore venture to say that, of the commercial treaties existing between Turkey and powers other than our own, that with France continues in force several years; by neglect of the Turks to give due notice of denouncement, that with Italy continues yet another term of seven years; while, as respects Russia, M. Nelidoff, ambassador here, is in exchange of notes with the Sublime Porte, his contention being, as I understand, that under the "favored nation" clause the existing tariff cannot be summarily concluded so as to place like commodities of Russia at a disadvantage. If all the treaties are concluded, and a new tariff of similar general operation is effected with all the powers alike, well enough.

* * * * * * *

I beg to say that I wait your instructions upon this important business with great interest.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 219.—Translation.]

Aarifi Pasha to Mr. Wallace.

SUBLIME PORTE, *May* 17, 1883.

Mr. ENVOY: The tariff of customs concluded between the Sublime Porte and the Government of the United States of America having ceased to have a legal force since the 13th of March last, the imperial Government has decided to collect hereafter the dues of 8 per cent. *ad valorem* on the goods imported in Turkey until a new arrangement takes place.

As this measure is to be put into execution immediately in all the custom-houses of the Empire, the competent administration has received the necessary orders accordingly.

In bringing this decision to the knowledge of your excellency, I beg you to accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 219.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, May 19, 1883.

HIGHNESS: I beg to acknowledge receipt of your note of the 17th instant, informing me that the customs tariff concluded between the Sublime Porte and the Government of the United States having ceased on the 13th March last, the imperial Government has decided to collect hereafter 8 per cent. dues *ad valorem* upon the merchandise imported into Turkey until a new arrangement is effected, and that this measure will be put into immediate operation.

Your highness will pardon me for remarking that in a communication addressed to this legation, dated the 12th of March last, you were pleased to quote from the treaty of commerce between the countries the clause respecting the right of the parties, respectively, to revise or make an end of the treaty, and then formally declare "that the treaty of commerce concluded between the two countries on the 25th of February, 1862, will cease to be in force on the expiration of one year from the date of the present notification."

Now, the tariff about which you are good enough to write me has its virtue in the first instance in the treaty, coexists with the treaty, and, in my opinion, can only expire with the treaty, unless its earlier expiration is with the assent of both the high parties. For this, and other reasons not necessary to be now given, I am constrained to object to the decision your highness now serves upon me, and to protest against its enforcement here and elsewhere.

The affair has been referred to my superiors in Washington for their instructions.

I avail, &c.,

LEW. WALLACE.

No. 544.

Mr. Wallace to Mr. Frelinghuysen.

No. 220.] LEGATION OF THE UNITED STATES,
Constantinople, May 22, 1883. (Received June 11.)

SIR: I have the honor to report that yesterday being reception day with his highness the minister of foreign affairs, I called upon him, and in course of the interview asked if he could give any information touching the petroleum concession. A subordinate, in answer to his bell and order, brought him a sealed dispatch. After reading, he said, "I have just received this note from the grand vizier. He tells me in it that the council of state has come to a decision in the petroleum affair, and it is that the demands of America, Russia and Roumania cannot be acceded to." I inquired if I was at liberty to report that as conclusive of the subject. He said it was to be so taken. Upon taking my departure, I said to his highness that the decision of the council was far from being what I had hoped; still I thanked them that they had furnished me with a decisive answer in at least one matter.

Anticpating this result, I had a private audience with His Majesty the Sultan last Friday, and made use of the opportunity to broach the concession. I called to his mind that on a former occasion he had told me he did not believe there could be any trouble between his Government and that of my country, as no question could arise between them so serious that he and I could not arrange it amicably. I then observed that his words had made a deep impression upon me at the time, and encouraged me to tell him that a question was now come which might take on a serious form. He asked me what it was. I entered into an explanation of the concession. He heard me with evident interest, and at the conclusion requested that I send him a paper upon the subject, and he would see what could be done.

Now that the council of state has given its final decision, I have no hesitancy about appealing to His Majesty, and will send him my argument this week.

You will please observe that the action of the council is in no wise a particularization, but goes alike to the three powers producing petroleum—the United States, Russia and Roumania. It is also made in the face of the identic notes of all the powers. I shall call upon my Russian and Roumanian colleagues immediately and confer with them.

Very respectfully, &c.,

LEW. WALLACE.

No. 545.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 222.] LEGATION OF THE UNITED STATES,
Constantinople, May 23, 1883. (Received June 11.)

SIR: In my dispatch No. 221 I made brief mention of the receipt of a communication informing me that the Sublime Porte had appointed delegates to negotiate with a delegate representing the United States a new treaty of commerce and a new tariff to take the place of that of 1862. I have the honor now to inclose a copy and translation of the note in question.

* * * * * * *

Yesterday I had an interview with Mr. Wyndham, the British chargé, respecting the English tariff situation. It appears that a notice in all respects similar to that served on this legation, touching the conclusion of the tariff, was received at the British embassy, and another of like effect at the German embassy. Both were promptly answered with protests. As in their cases there was no question of the correctness of the denouncement of the treaties by the Porte, they rested their objection chiefly upon the right of continuance of the old tariffs, pending the negotiation of the new ones, a point of great importance when it is remembered that the Turks have scarcely begun revision of their schedules. The appointment of the British delegate is of many months' standing, during which he has been on the ground waiting, yet he cannot now say the Turkish delegates are any nearer readiness to begin sessions with him than they were a year ago. Since receipt of the notice, collections of 8 per cent. *ad valorem* have been rigidly enforced against the English. The administration of the indirect contributions has not had time to pay attention to protests. * * *

The appointment of a delegate on our part will, of course, engage your attention. The English have appointed their consul resident here (Mr. Wrench), a thoroughly competent person. If you refer the matter to me, I shall, at the proper time, select Consul-General Heap for the duty. * * *

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 222.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, May 19, 1883.

Mr. ENVOY: In pursuance of my note of the 12th of March last, I have the honor to inform you that the Sublime Porte has named Bertram Effendi, counsellor of the general administration of indirect contributions, and Mikael Effendi, president of the said administration, to enter into negotiations with the delegate of the United States legation in view to conclude between the two states a new treaty of commerce in lieu and place of the one which expires on the 12th of March, 1884, as well as for a new tariff.

I beg your excellency to be good enough to let me know the name of the person the legation of the United States of America will name for this purpose.

Accept, &c.,

A. AARIFI.

No. 546.

Mr. Wallace to Mr. Frelinghuysen.

No. 225.] LEGATION OF THE UNITED STATES,
Constantinople, May 29, 1883. (Received June 18.)

SIR: In my dispatch to the Department No. 220, I reported a conversation with his highness the minister of foreign affairs, in the course of which he informed me that the Sublime Porte, acting upon a decision of the grand council of state, had determined not to accede to the demands of Russia, the United States and Roumania, touching the petroleum concession. To-day I am in receipt of a written communication from the minister to the same effect, and have the honor to inclose a copy and a translation of the document. This action leaves me perfectly free to forward to the palace the paper requested by the Sultan.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 225.—Translation.]

Aarifi Pasha to Mr. Wallace.

MAY 27, 1883.

Mr. ENVOY: I have had the honor to receive the two notes your excellency kindly addressed to me on the 20th of January and the 8d of May last, Nos. 142 and 160, relating to the stores for petroleum built at Tchiboukly by Sami Bey and associates.

The imperial Government regrets not to be able to bring itself to the point of view contained in the aforesaid notes. Really the stores in question have been established according to what is done in other countries, with a view to prevent any danger and with an object of public utility.

This measure should the less provoke any complaints since it is provided in article 12 of the regulations of the harbor of Constantinople, adopted in consequence of an agreement with the representatives of the powers at Constantinople. The terms of that article are too explicit to furnish the conclusion that individuals would be free to build private stores.

Up to that time the petroleum imported into Constantinople was stored in the deposits of the prefecture of the city, which, not being adequate to such service, used to occasion serious inconveniences which provoked continuous complaints from the parties interested in the matter.

It was with a view to stop those complaints and to regulate the storage of petroleum that the Sublime Porte had to grant the concession to a private society offering all the guarantees.

As to the dues collected on that score, there is room to remark that they are not high at all, taking into consideration the multiplied advantages that the merchants derive from the establishment of the new stores, so that in consequence of the guarantees they present, the insurance expenses have decreased from 2½ to 1½ per cent.

Besides, the landing, which formerly was made through lighters with great difficulty and expense, is rendered very easy now that the ships can come alongside the wharf built in front of the stores.

It is to be noted also that a great number of merchants interested in the matter have manifested, with certificates duly signed, their complete satisfaction to the new condition of things. I have no doubt that your excellency will kindly, from equitable sentiments, recognize the justness of the preceding considerations, and give your citizens who are interested such recommendations as will be apt to remove their objections in the matter.

Accept, &c.,

A. AARIFI.

No. 547.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 227.] LEGATION OF THE UNITED STATES,
Constantinople, June 4, 1883. (Received June 25.)

SIR: The Sublime Porte and grand council of state, having formally declined to accede to the demands of the powers to cancel or suspend the operation of the concession for the storage of petroleum in Constantinople, I have prepared a paper to be submitted to the Sultan, at his request, setting forth the grounds of objection to the grant agreed upon by the protestants, and have the honor to transmit herewith a copy of the memorandum, together with a copy of my note to the grand master of ceremonies, through whom the communication is had.

Should this appeal fail, every means of bringing about the annulment of the obnoxious measure will have been exhausted. In fact, the appeal itself is extraordinary. Seldom, if ever, is the Sultan sought to set aside a decision of the grand council of state. * * *

Hoping my course up to this point of the business will meet approval,

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 227.]

Mr. Wallace to Munir Bey.

UNITED STATES LEGATION,
Constantinople, May 31, 1883.

EXCELLENCY: In the conversation your august master, His Imperial Majesty the Sultan, permitted me to hold with him a few days ago (your excellency being in attendance) upon the subject of the petroleum concession recently granted to Sami Bey, he was so gracious as to request me to send him a paper setting forth my views of the matter, it doubtless being His Majesty's desire to see and consider for himself the points of objection made by the protesting powers to the continuation of that grant. I am happy to avail myself of the privilege, and venture to inclose herewith such a paper, in trust that you will have the goodness to present it to His Majesty, together with my most respectful salutations and earnest wishes that this may go the way of easy settlement, like all the other questions which have arisen between his Government and that of my country in the fifty years and more during which they have been bound together by treaty ties.

I avail, &c.,

LEW. WALLACE.

[Inclosure 2 in No. 227.]

MEMORANDUM.

In submitting this paper to His Imperial Majesty, without whose permission, graciously accorded, I should not presume upon such a liberty, my object is to try to present, for His Majesty's calm consideration, the basis of the objections made to the petroleum concession of recent grant to Sami Bey.

The concession conferred upon Sami Bey for his individual profit the privileges, first, of establishing depots on the upper Bosphorus for the storage of petroleum imported into Constantinople, and, second, of collecting charges for such storage. Considering the great interest His Majesty is known to take in everything pertaining to the welfare of his people, it may not be doubted for an instant that the reason which moved him to confirm the concession in the solemn form of an imperial *iradé* was, the storage of oil in great quantities was dangerous if permitted in the limits of the city. Prob-

ably the best proof possible to be given to His Majesty that we are not denying the wisdom of such exclusion is to be found in the fact that a depot of the article in question existed on the Bosphorus to the perfect satisfaction of all dealers and importers prior to the grant to Sami Bey. Along with this admission, however, His Majesty is earnestly entreated to observe some essential difference between the old arrangement and the new one. Thus, the first depots were instituted and managed with no view whatever to the profit of private individuals; they were as convenient in every respect as the new ones; the charges were reasonable, which is saying they paid all expenses of keeping and left a margin over of about 20 *paras* the case to the city, supposed to be for repairs. On the other hand, the new depots, while they are as convenient as the old ones and are commendable on the score of public safety, are to be maintained, if the concession continues, by charges productive the first year of a revenue more than sufficient to pay the original outlay for the houses, and for each succeeding year of a net profit vastly in excess of the cost of keeping, of which excess not one *para* goes into the imperial treasury; I am sure His Imperial Majesty will discern the consequence of this point of derivable annual profit of the concession, and because of its importance excuse some details so needful to precision. He will probably be better satisfied with comparative tables of receipts under the old régime and the new. I venture to commend the following as very nearly if not exactly reliable:

Charges under the old régime.

	Paras.
Payable the first month of storage, per case	20
Payable the second month of storage, per case	5
Payable the third month of storage, per case	5
Add for lighterage and porterage	15
Total	45

Charges under the new régime.

	Paras.
Payable the first month of storage, per case	90
Payable the second month of storage, per case	15
Payable the third month of storage, per case	5
Add transportation from depot to city, bachshis to guards	20
Total	130

In round numbers, the difference of charges between the old arrangement and the new is at least two *piastres* the case. To appreciate the prodigious disproportion between the receipts of the concessionaire and his outlay, it should be taken into account that the cost of erection of the storehouses hardly amounts to £7,000; next it is necessary to be reminded that the importation of petroleum from America last year was, as reported to me, 570,000 cases. So at two *piastres* the case, 1,140,000 *piastres* will be realized under the new régime in excess of the amount paid by importers under the old; and this, I pray to be remembered, is the product of the levy upon the American article alone. To reach the whole sum of profit to the concessionaire, the receipts from the Russian and the Roumanian importation must also be counted. Upon the showing here given, I proceed, with a confidence which refers itself especially to His Majesty's capacity to consider a question with judicial impartiality even though it involves his own imperial action, to express the opinion that he will no longer wonder if the three petroleum producing countries, America, Russia and Roumania, have protested against the concession. Neither do I doubt that he will excuse me for saying in further explanation of their course in the matter, that they unite in regarding it as repressive of the importation, and in that way detrimental alike to them and to His Majesty's Government; they see that none of the great profit will ever serve the financial interests of the Empire; they know that their commerce in this article, of vast consumption throughout the imperial dominions, is in danger of ruin for the benefit exclusively of a private person, who seems without the moderation to content himself with a reasonable compensation.

It may be the foregoing will be enough of itself to serve His Majesty's wish for information on which to build a judgment for the just settlement of the dispute; still there is another objection, and as it is the strongest of all, I venture to give it in completion of my argument.

If His Majesty can be convinced that the concession does violence to a treaty existing between his Government and that of my country, it may not be doubted that he will have the goodness to cause such orders to be given as will best exemplify his loyalty to all such obligations.

In full faith of his disposition in such cases, I beg to refer him to the following extract taken from Article V of the treaty of commerce between the two Governments of 1862:

"His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article, the produce and manufacture of the United States of America; and that the duties to be imposed on every article, the produce or manufacture of the United States of America imported into the Empire and possessions of His Imperial Majesty the Sultan, shall in no case exceed one fixed rate of 8 per cent. *ad valorem*, or a specific duty fixed by common consent equivalent thereto. * * * If these articles, after having paid the import duty of 8 per cent., are sold, either in the interior of the country or at the place of their arrival, neither the buyer nor the seller shall be charged with any further duty in respect to them," &c.

The word *duty*, as here used, stands for imports and charges, so that there are four conclusions to be drawn from the article, which are most respectfully commended to His Majesty's consideration.

1. Each Government is solemnly engaged not to prohibit the importation into its dominions and possessions of any article, the produce or manufacture of the other, from whatever place arriving, except tobacco and salt, they being the exceptions reserved in Article XIV of the treaty.

2. The Imperial Ottoman Government is also solemnly engaged not to impose on any article, the produce or manufacture of the United States of America imported into His Majesty's dominions a duty (impost or charge) exceeding one fixed rate of eight per cent. *ad valorem*, or a specific duty (import or charge) fixed by common consent equivalent thereto.

3. The Imperial Ottoman Government is further solemnly engaged, that if such articles, the produce or manufacture of the United States of America, having once paid the impost duty of eight per cent. *ad valorem*, are sold, either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty (imposts or charge) in respect to them.

4. The engagements so defined, in the nature of guarantees by the Governments, respectively, have relation to the articles imported, not the citizenship or nationality of the person importing them. Enough always that the articles are the produce or manufacture of Turkey or the United States of America.

It would be presumptuous to make application of these points to the charges imposed upon petroleum from my country by the concession. The practical reason of His Majesty will discover at once that the amounts required to be paid to Sami Bey, under veil of storages, are simply charges additional to the customs charge of 8 per cent. paid upon entry into port. Nor is it thought there is any need to expatiate upon the idea that Governments bound to each other by contract of treaty cannot do indirectly what they are mutually prohibited from doing directly. It is to be hoped, however, that it may be considered perfectly proper to request that His Majesty will condescend to give especial attention to the effect of the third and fourth points above mentioned. Nor is it thought necessary to do more than remark to His Majesty that the losses consequent upon the concession will not be confined to my countrymen or the importers. No article of foreign produce enters more generally into the domestic economy of His Majesty's subjects of all classes than petroleum, because it is cheaper than any other illuminating material—than olive oil or common tallow. Should the grant go on, it will follow that the American article, which happens to be most popular on account of its greater purity, as proven by its freedom from bad odor when burning in the lamp, must either disappear from Turkish markets or become out of reach of all except the very rich. The great body of His Majesty's subjects must find some substitute in their houses for petroleum or pay Sami Bey the 130 *paras* the case for the storage charges in addition to the ordinary price of the commodity. I need not say how far more willingly they would contribute so much in support of the imperial credit and in diminution of the national debt.

It only remains to express to His Majesty what my Government would consent to in the way of friendly settlement. Reserving all rights which it may think secured to its citizens under the treaty, it would agree, I think, to such modifications of the concession as would result in a return to the charges imposed under the old régime or arrangement as given in the first of the foregoing tables, and to place its offer of compromise of the question upon a ground of liberality to the concessionaire. I think it would also make no objection, in view of his expenditures in the erection of houses, to the imposition of thirty *paras* the case for storage the first month, making an addition to the twenty *paras* of customary charge. The effect would be to authorize a levy of fifty-five *paras* the case for three months' storage, which would give an ample annual compensation upon the actual investment.

The paper is submitted to His Majesty with many thanks for the condescension which permits its presentation.

LEW. WALLACE.

No. 551.

Mr. Frelinghuysen to Mr. Wallace.

No. 89.] DEPARTMENT OF STATE,
Washington, June 14, 1883.

SIR: I have to acknowledge the receipt of your No. 219, of the 19th ultimo, relative to the tariff between the United States and Turkey, and to approve your protest to the Government of the Porte upon the subject.

Our treaty of 1862 must be adhered to, subject to the question as to the date when the denunciation becomes effective under the treaty itself, as considered in a late instruction addressed to you, and the negotiation for a new tariff proposed by the Porte cannot prejudice the validity of your protest or affect our rights thereunder.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 552.

Mr. Frelinghuysen to Mr. Wallace.

No. 90.] DEPARTMENT OF STATE,
Washington, June 14, 1883.

SIR: Your dispatch No. 222, of the 23d ultimo, has been received. It relates to the appointment of a delegate on the part of the United States to confer with similar persons appointed by the Government of Turkey for the revision of the tariff between the two countries.

As it is of the utmost importance that no time be lost in bringing the tariff relations between Turkey and the United States into definite shape and avoiding for the future the late cause of complaint, this Government will interpose no obstacle to the proposed negotiation. Mr. Heap may be designated, as suggested, to represent this Government in the matter, and if the 8 per cent. limit commends itself to the larger commercial powers, the United States have no objection to it. Any result reached in the negotiation must, however, be *ad referendum*, as this Department reserves the right to consider before signing.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 553.

Mr. Wallace to Mr. Frelinghuysen.

No. 234.] LEGATION OF THE UNITED STATES,
Constantinople, June 18, 1883. (Received July 8.)

SIR: I have the honor to inclose herewith an account of an attack upon two American missionaries, Rev. Mr. Knapp and Dr. Reynolds, resident in Bitlis, a city in the province of Van. As the greatest sufferer of the two is the writer of the narrative, it is reasonable to suppose *his* injuries will not prove fatal.

No. 549.

Mr. Wallace to Mr. Frelinghuysen.

No. 233.] LEGATION OF THE UNITED STATES,
Constantinople, June 13, 1883. (Received July 2.)

SIR: Referring to the dispatch which I had the honor to forward to the Department touching an application in behalf of the American Bible Society for a permit to print the Bible in Arabic characters, and the conditional permit granted by the Sublime Porte in reply to the request, I have the honor to inform you that Mr. Wyndham, Her Majesty's chargé d'affaires, acting in behalf of the British Bible House, has agreed with me to send an identic *note verbale* to the Porte upon the subject, a copy of which is herewith inclosed.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure in No. 233.]

NOTE VERBALE.

UNITED STATES LEGATION,
Constantinople, June 13, 1883.

The United States legation has the honor to acknowledge receipt of the *note verbale* from the Sublime Porte, of the 9th instant, in which it is stated that the American Bible Society are at liberty to publish a Turkish translation of the Bible, on condition that each copy bears on the cover and on the first page the words "For the use of Protestants." From the text of the permission, which is now in the printer's hands, the United States legation learns that the words in Turkish are "For Protestants alone"; and it regrets to state that such a condition is not one which it can feel justified in enteraining.

The Sublime Porte will doubtless remember that seven years ago a similar condition was put forward, but eventually withdrawn, and the United States legation cannot doubt that in this instance the Sublime Porte will follow an equally conciliatory course, especially when it is remembered that the permission now asked is not a new privilege, but is one that has been enjoyed for several years by the Bible societies of Great Britain and America.

It is unnecessary for the United States legation to enlarge upon the fact that the Bible is freely translated into two hundred and fifty different languages; and it begs to point out the unfavorable impression which the imposing of a condition such as the one proposed would produce, and to express an earnest hope that the Sublime Porte may be willing to grant the permission now requested unfettered by any restrictive condition.

No. 550.

Mr. Frelinghuysen to Mr. Wallace.

No. 88.] DEPARTMENT OF STATE,
Washington, June 14, 1883.

SIR: Your dispatch No. 220, of May 22 last, has been received, and the announced decision of the council of state presents the matter of the petroleum concession in a grave light. It is hoped that your proposed direct intercession with the Sultan may result in such a course being adopted by the Turkish Government as will conform to the letter and spirit of existing international engagements. You will, of course, keep the Department advised of all that transpires, and especially of the views of your Russian and Roumanian colleagues upon the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 551.

Mr. Frelinghuysen to Mr. Wallace.

No. 89.] DEPARTMENT OF STATE,
Washington, June 14, 1883.

SIR: I have to acknowledge the receipt of your No. 219, of the 19th ultimo, relative to the tariff between the United States and Turkey, and to approve your protest to the Government of the Porte upon the subject.

Our treaty of 1862 must be adhered to, subject to the question as to the date when the denunciation becomes effective under the treaty itself, as considered in a late instruction addressed to you, and the negotiation for a new tariff proposed by the Porte cannot prejudice the validity of your protest or affect our rights thereunder.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 552.

Mr. Frelinghuysen to Mr. Wallace.

No. 90.] DEPARTMENT OF STATE,
Washington, June 14, 1883.

SIR: Your dispatch No. 222, of the 23d ultimo, has been received. It relates to the appointment of a delegate on the part of the United States to confer with similar persons appointed by the Government of Turkey for the revision of the tariff between the two countries.

As it is of the utmost importance that no time be lost in bringing the tariff relations between Turkey and the United States into definite shape and avoiding for the future the late cause of complaint, this Government will interpose no obstacle to the proposed negotiation. Mr. Heap may be designated, as suggested, to represent this Government in the matter, and if the 8 per cent. limit commends itself to the larger commercial powers, the United States have no objection to it. Any result reached in the negotiation must, however, be *ad referendum*, as this Department reserves the right to consider before signing.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 553.

Mr. Wallace to Mr. Frelinghuysen.

No. 234.] LEGATION OF THE UNITED STATES,
Constantinople, June 18, 1883. (Received July 8.)

SIR: I have the honor to inclose herewith an account of an attack upon two American missionaries, Rev. Mr. Knapp and Dr. Reynolds, resident in Bitlis, a city in the province of Van. As the greatest sufferer of the two is the writer of the narrative, it is reasonable to suppose his injuries will not prove fatal.

Upon receipt of Dr. Reynolds' paper I called on Mr. Wyndham, Her Majesty's chargé d'affaires, gave him the account to read, and, there being no American consul in the region, solicited the kind offices of the British consul nearest the locality of the occurrence. He replied in a note of which a copy is inclosed. From personal acquaintance with Mr. Everett, the official referred to by Mr. Wyndham, I am confident he will act in the affair with judgment and energy, and look forward to his official report as the best ground to determine the redress to be demanded in the cases.

Finding that some time must elapse before Mr. Everett can reach the locality and make investigation, I addressed a note upon the subject to the Sublime Porte, of which a copy is also inclosed. It is scarcely to be doubted that orders have been issued by the minister of foreign affairs for vigorous action against the robbers. Should I be mistaken in that it will not be long until I am so informed.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 234.]

Mr. Reynolds to Mr. Wallace.

BITLIS, *May* 24, 1883.

DEAR SIR: When I had the pleasure, in company with Mr. Williams and others, of calling on you last summer, I told you I wanted you to have a realizing sense that there were American citizens residing in the far interior of the Empire who might some time have occasion to claim your protection. I little thought then, however, that I should have occasion to report such an occurrence as that which I now seat myself to tell you of.

Seven years ago, in the attempt to secure the co-operation of the people in our work, we organized a Domestic Missionary Society, which holds its annual meeting in the spring. This year the meeting was appointed at a village near Moosh. Before leaving Van, to attend this meeting, I called upon our *vali* and asked for a road *bouralty*, and we agreed in the opinion that a *zaptieh* was unnecessary. On reaching Bitlis, with Mr. Knapp, I called on the Bitlis *vali*, and we informed him we were going to start for Moosh the following day. As the road lies across the Moosh plain, where villages are frequent, we are not accustomed to take a *zaptieh*, and the *vali* made no suggestion of any necessity of doing so now.

Our journey to Moosh was without incident, and at noon of Monday, May 21, we started on our return. Seven hours brought us to our night's resting-place at the village of Ghuorie, where resides a noted Koord, Mirza Bey by name. We put up at the *oda* of one of the four Armenians who reside there. As usual on the advent of a stranger the villagers crowded into the room, but owing to our fatigue and the lateness of the hour, we did not feel able to converse with them, and asked them to withdraw. The majority had done so; and Mr. Knapp and I had seated ourselves for our supper, when a few more villagers came in, to whom I noticed the villagers paid some honor; but we had no idea who they were, and kept on with our meal. Our servant came and said one of them was Moussa Bey, the son of Mirza; whereupon I did him the honor to send him a cup of tea, which he declined. You can judge whether there is any connection between this occurrence and subsequent events. He may have considered that we did not pay him sufficient honor.

At 7 o'clock the next morning, May 22, Mr. Knapp and I started on while the men were tying on the loads, intending to stop and feed our horses at the next village we were to pass through, an hour and a half distant (there was another village between, a few minutes from the road), as we had been unable to secure barley at the village where we had staid. Our men were delayed to find an umbrella that had disappeared, so that they were twenty or thirty minutes behind us. The road crosses a spur of the mountain that juts out into the plain, called the "Arzode Nose," and as we began to descend I dismounted and was leading my horse. A few rods ahead we saw three Koords coming towards us on foot, who attracted our attention simply by the fact that one was singing in a peculiarly wild manner. We went on, unsuspicious of danger, and as the singer came up to me, without a word or a demand, or opportunity for remonstrance, he began striking me most savagely over the head with his drawn sword, and kept it up for several seconds. Probably the first blow brought blood, and the ruddy fluid was soon streaming down my face and neck and

over my clothes, while in the attempt to ward off the blows or seize the sword my hands were severely gashed as well. At last he let up, and, with one of his companions, threw me to the ground and drew off my boots. Then the idea seemed to occur to them that the place was rather too public, and the two dragged me to the cover of some bushes a little way off. Simultaneously with these events another of the three, seizing Mr. Knapp, began beating him over the head with a heavy club, and compelled him to dismount, and then seized him by the beard and dragged him on, not relaxing his grasp, though Mr. Knapp at once handed him his watch. After another heavy blow on the ankle they threw him to the ground also and drew off his boots, and then dragged him to the bushes.

Here, holding us on the ground and choking us, they rifled our pockets, partly stripped off our clothes, searched us to the skin for money, and then tied our eyes, barely allowing me to staunch the blood a little with the same cloth which was about my eyes. Then they tied our hands behind us and bound our feet, and after pocketing the plunder left us.

When the noise had ceased we informed each other by a "hem!" that we were alive; and as no notice was taken of this, we conversed in a low tone. Then I began to investigate how securely my hands were tied, having striven, when the work was done, to get the cord as high up as possible. It was not long before I had slipped one hand out, and cautiously uncovering my eyes and finding no one in sight, I untied my feet and then released Mr. Knapp. Before this our four men had come up and we could hear their voices, but as they were talking Koordish to some one, we thought our robbers, with accomplices, were repeating the process with them, and that our best course was to keep still and afterwards release them also. When the noise had fully ceased we ventured out from our concealment and searched among the bushes for our companions, but no one could be found, and animals that might be ours could be seen in the distance going towards the next village. So we concluded to follow, and walked on in our stocking feet the one or one and a half miles to the village, which is Koordish and named Gotsie. Just before reaching it, one of our men with a soldier and a villager, on our own horses, met us. Our man reported that just before reaching the spot where we were attacked they met two men on our two horses, who reported they had found the horses loose on the plain and caught them. Somewhat reluctantly they gave up the horses, and our men were now in search for us. The appearance I presented on entering the village must have been a striking one. My face and head rudely swathed in bloody cloths, every visible inch of skin on face or hands bedaubed with blood, my coat and shirt already stiff as a board, and my light corduroys sprinkled from top to bottom with a copious shower of the same fluid. Sitting down under a shed with a motley, noisy crowd of unsympathetic Koords about me, I spent an hour or two, with the efficient help of one of my men and my pocket surgical case, in dressing my own wounds. The most serious was an ugly gash four or five inches long on the top and back of my head, which had slightly marked the bone itself, and which bled again very profusely on being opened. Drawing it together with eight or ten stitches and applying styptics and pressure, the hemorrhage was with difficulty arrested. Beside this there were four other considerable gashes on my head, while a severe blow had nearly severed the end of my nose and marked my upper lip. A severely blackened eye added to the beauty of my face. One finger had a long and deep gash to the bone; a corner is gone from one thumb, and there are three lesser wounds on my hands. After the dressings were finished we mounted our horses and rode the remaining eight hours to Mr. Knapp's house.

The value of property taken from us both will not probably exceed 30 *lires* or so. It is evident, of course, that such an occurrence, unless efficiently followed up, will render the position of all Americans in these parts exceedingly insecure, besides its effect on the already pitiable condition of native Christians. In this matter we have as yet no complaints to make against the *vali*. Even before our letter representing the case had reached him, he sent the Government physician and a scribe to examine my wounds and take evidence, sending us word, at the same time, that he had sent mounted soldiers to find and bring to the city the perpetrators of the deed and the booty.

I write to you in behalf of Mr. Knapp and myself, that you may have early knowledge of the facts. Of course you will decide whether any immediate action on your part is necessary. We will keep you informed how matters progress here.

Mr. Knapp may probably have informed you of a serious theft perpetrated by his servant. Proceedings have been instigated before the Government to recover the money. Whether outside aid will be necessary in this matter remains to be seen.

Now, Saturday morning, May 26, I will add that aside from the one visit of physician and scribe mentioned, we have as yet received no communication from any Government official, nor has the *vali* or any one else called upon us. We have sent a telegram to English Consul Eyres, at Erzroom, asking if he can come on and help us.

Mr. Knapp joins in kind regards to yourself and Mrs. Wallace.

Yours, &c.,

GEO. C. REYNOLDS.

[Inclosure 2 in No. 234.]

Mr. Wyndham to General Wallace.

THERAPIA, *June* 11, 1883.

DEAR GENERAL: Colonel Everett, who is here on his way to Erzroom, where he is consul, is leaving this week for his post. I will therefore show him Mr. Reynolds' letter, and desire him to do all he can to obtain the punishment of the offenders and the restitution of the stolen property.

Yours, &c.,

H. W. WYNDHAM.

[Inclosure 3 in No. 234.]

General Wallace to Aarifi Pasha.

No. 167.] UNITED STATES LEGATION,
Constantinople, June 13, 1883.

HIGHNESS: I beg to inform you of an attack upon two American missionaries, Rev. Mr. Knapp and Dr. G. C. Reynolds, by Koords, near the village of Ghuorie, in the region of Bitlis. The assault took place on the 31st of May last, and was accompanied with both robbery and attempted murder. One of the gentlemen, Dr. Reynolds, received ten cuts with a sword. Both of them were tied, gagged, and dragged into the bushes, and left to die. The object of the present communication is to inform you, according to my latest intelligence, that the governor has manifested the most singular indifference in this affair, and may fairly be charged with the responsibility of the robbers' escape.

Your highness will serve the cause of humanity and justice by ordering that the most energetic measures be taken for the apprehension of the robbers.

I think it only necessary to make the suggestion to your highness, and avail, &c.,

LEW. WALLACE.

No. 554.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 235.] LEGATION OF THE UNITED STATES,
Constantinople, June 19, 1883. (Received July 9.)

SIR: I have the honor to forward inclosures which will fully inform the Department of a case of recent occurrence, involving Dr. Maurice Pflaum, an American citizen practicing medicine in Axar, a town of Syria.

* * * * * * *

To satisfy myself on certain points, I referred the business back through the consulate-general to Consul Stevens, of Smyrna. Inclosure No. 3 is his reply to my points of inquiry. The effect was to convince me that Dr. Pflaum is an American citizen, a respectable though somewhat eccentric gentleman, and the victim of a most wanton and unjustifiable outrage. In inclosure No. 5 you will accordingly find a copy of the note which I addressed to the minister of foreign affairs, with demands for satisfaction and indemnity.

This case, as you will no doubt quickly discern, involves the disputed Article IV of the treaty of 1830, with a peculiar advantage on our side. The governor of Axar did not confine himself to *arresting* Dr.

Pflaum, and *trying* and *sentencing him;* he went the full figure and *punished* him also. So that there is very little ground to stand upon for defense of the governor, and if the disputed interpretation of Article IV is interposed, it will be the worse for him.

In placing the demand for indemnity at £2,000, I was governed not a little by what a jury in our own country might give a plaintiff as damages in such a case.

Permit me the hope that my action in the premises will meet approval, and that the Government will support the demands made to the extreme. So only, in my opinion, can the rights of our citizens in Syria receive due respect; and if now we fail to maintain our interpretation of the treaty, the condition of Americans in the interior of Turkey will become painfully uncertain.

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 235.]

Mr. Stevens to Mr. Heap.

UNITED STATES CONSULATE,
Smyrna, May 11, 1883.

SIR: I have the honor to inclose herewith copies of correspondence and other papers which have passed between this consulate and his excellency Ali Pasha, governor-general of this vilayet, relative to the arrest and imprisonment by the local authorities of Axar of Dr. Maurice Pflaum, a resident physician of that place and a naturalized American citizen, and to ask instructions touching further action in the case.

The facts as I have gathered them from various sources are these:

1. On Saturday noon, 28th April, Dr. Pflaum, while at his pharmacy, was arrested by three zaptiehs and taken before the kaimakam, on a charge of having insulted Tahir Effendi, ashar maimour of Axar, with whom he had previously bandied epithets over a bill for medical attendance, which Tahir refused to pay. The kaimakam, after hearing the doctor's statement, told him he was free to return to his practice. He started to do so, but, on reaching the foot of the stairway, was intercepted by three zaptiehs, who, upon an attempt at resistance on his part, beat him unmercifully and then dragged him to prison, confining him in a room 14 by 16, along with 13 Turkish prisoners. Two hours later he was taken before the local tribunal, and after a long interrogation, sent back to prison with an assurance that he would be released as soon as the necessary papers could be made out. He was kept in prison until the next afternoon, when becoming seriously ill from the effects of the confinement and the beating, he was transferred to the hospital, where he now lies in a very critical condition.

2. Late Saturday night, April 28, I received a telegram from the doctor, in Turkish, informing me of his imprisonment. On the following Monday, April 3, I sent my dragoman with the telegrams I had received to his excellency the governor-general, with a verbal request that he would order the release of Dr. Pflaum and institute an investigation of the case. To this his excellency returned answer that he would make the necessary inquiry, and if there was no criminal charge against the doctor would order his release. Whereupon I sent to him (the doctor) a reply to his several telegrams. May 3 I received the letter from Dr. Pflaum marked No. 4, to which I replied as per No. 8. Messengers also arrived from Axar confirming the doctor's statements, and saying that if the authorities there were permitted to act as they had done, without protest, no foreigner would hereafter be safe in either person or property.

3. Meanwhile, having learned that the governor-general had taken no steps in the matter, I addressed to him the letter marked No. 10 in the inclosures. Two days later a reply was received, together with a copy of a telegram to his excellency from the president of the Axar tribunal, copies of which are inclosed, marked No. 11. A copy of my response to this will be found inclosed, marked No. 12.

I am, &c.,

W. E. STEVENS,
United States Consul.

[Inclosure 1.—Telegram.—Translation.]

Dr. Pflaum to Mr. Stevens.

Mr. CONSUL: Having visited a Turk I asked to be paid, but as he refused to comply there was a disagreement between us. The kaimakam, without fulfilling the necessary formalities according to the treaties and the laws of the country, ordered my imprisonment. Please defend me.

DR. PFLAUM.

AXAR, *April* 28, 1883.

[Inclosure 2.—Telegram.]

Dr. Pflaum to Mr. Stevens.

Mr. CONSUL: Having attended on the ashar maimour during his illness I claimed my pay; he not only refused to pay me, but sent me away, insulting me in the mean time, consequently I did so towards him. The kaimakam, desirous to please the ashar maimour, ordered that I should be thrashed by the zaptiehs and forcibly imprisoned. I am very sick and have seven patients whose lives are in danger. I beg you, therefore, to take my case into consideration.

DR. MAURICE PFLAUM.

AXAR, *April* 28, 1883.

[Inclosure 3.—Telegram.]

The Hellenic consular agent to Mr. Stevens.

Mr. CONSUL: The American Dr. Maurice is in prison, very sick. We tried to obtain deliverance, but could not do anything. Please send your dragoman.

APRIL 28, 1883.

MAVROIDHI,
Hellenic Consular Agent, Axar.

[Inclosure 4.]

Dr. Pflaum to Mr. Stevens.

AXAR, *April* 29 (17), 1883.

SIR: To-day, Saturday, at noon, by order of the authorities of this place, I was put in prison without having been notified. The zaptiehs dragged and struck me with their fists and with my cane, which by force they had taken from me. At the door of the prison they examined the pockets of my pantaloons, took from me a porte-monnaie, which contained no money, a dirty pocket-handkerchief and my keys. The keys they kept; the porte-monnaie and handkerchief they returned to me after an hour in the prison. This in a room 14 by 16, without a floor, the bare ground covered by some dirty mats, which contained besides me thirteen dirty Turkish prisoners. In one corner of the prison every one has to urinate, as no one is allowed to go out except half an hour in the morning and half an hour in the afternoon.

The reason why I was put in prison is the following: Tahir Effendi, ashar maimour of Axar, refused to pay me for medical service rendered. This morning I went to see him; he told me to clear out; he would not pay me one *para*. On that account we came to words. One insult followed the other naturally. Afterwards I went to see some of the patients I had not seen before. About noon, when I was sitting at the door of the pharmacy, two zaptiehs with their chief asked me to go with them to the kaimakam. So I did, as I saw that resistance was of no use. The kaimakam asked me why I had had words with Tahir Effendi. I told him why. Then he asked me why I had come to Turkey. My answer was that his Government had brought me from Vienna, where I resided at the time, through the interference of Edhim Pasha, the ambassador at Vienna. After some other words of no importance, he told me that I could go. So I went down stairs. But hardly had I descended the stairs, than the zaptiehs forbade me to go on my way. As the kaimakam had told me to go, I did not listen to them, and getting excited, struck one of the fellows with my cane,

Tahir Effendi, ashar maimour of Axar, who was indebted to him for services rendered, but refused to pay. After a first interrogation the kaimakam informed him that he was free to depart; but upon reaching the street he was arrested by the zaptiehs, who, upon showing a purpose to resist, knocked him down, beat him with a stick, and dragged him to prison. Two hours later on he was taken before the tribunal and subjected to a long interrogation, during which the kaimakam, under the pretext that there was no American representative in that locality, appeared in that role. The tribunal finally informed the doctor that, having committed no offense deserving imprisonment, he would be liberated as soon as the files could be completed. Notwithstanding this promise he was kept in prison during the night and subjected to insults and abuse from other prisoners. As a result of this bad treatment he became seriously ill, and, upon the intervention of certain foreign residents, he was taken from the prison and transferred to another locality, where he is now, struggling with disease, closely watched and practically a prisoner. I need hardly remark to your excellency that this action of the authorities and tribunal of Axar constitute an infraction and manifest violation of the rights, privileges, and immunities granted to American citizens by treaties in force between our respective Governments. Except for certain specified crimes, for none of which Dr. Pflaum stands accused, American citizens residing in Turkey cannot be arrested or imprisoned but upon the orders of a consular tribunal of their own nation; furthermore, in no case can local tribunals proceed with the interrogation of an American citizen except in the presence of the American consul or his delegate. These two important privileges were violated by the authorities of Axar in the case of Dr. Pflaum.

For these reasons I ask that it may please your excellency to give orders for the immediate release of Dr. Pflaum, and to take severe steps with regard to the inefficiency and exaggerated zeal of the authorities at Axar, in order that other functionaries may be deterred from perpetrating similar offenses.

Persuaded that your excellency can but approve my views upon the questions of law and fact involved, and all hasten to give a satisfactory solution thereof,

I have, &c.,

W. E. STEVENS,
Consul.

[Inclosure 11.—Translation.]

Ali Pasha to Mr. Stevens.

SMYRNA, *May* 7, 1883.

Mr. CONSUL: In compliance with your dispatch of May 5, 1883, in which you complain of the illegal imprisonment of Maurice Pflaum, on American citizen and physician, resident at Axar, I asked information to the president of the tribunal of that locality, through the inspector of the tribunals of this vilayet. You will find herewith inclosed a copy of the telegram of this office in reply to the aforementioned inquiry.

It would appear by this telegram that said physician insulted the zaptieh on duty and wounded Sergeant Halil; he afterwards acknowledged to have done so, and was therefore put under arrest. Having fallen sick he was afterwards transported to the hospital.

You are begged, therefore, Mr. Consul, to have the kindness to send a dragoman to Axar to be present at the trial that will take place in this case.

Accept, &c.,

ALI.

[Telegram.—Translation.]

President of the Axar tribunal to Ali Pasha.

The American physician insulted the director of tithes (*ashar maimour*) and in armed hand, the zaptieh on duty in the authorities' mansion and the Sergeant Halil, while in the discharge of their duties. He wounded the Sergeant Halil. Having confessed this offense during the examination, he was imprisoned on that account, according to the report of the judge of instruction. Having become sick in prison, he was taken to the hospital upon a report to that effect.

[Inclosure 7.—Telegram.]

Mr. Daniel to Mr. Stevens.

Mr. CONSUL: Though your telegram arrived, there is not yet any result. The sickness of the doctor is grave; for the recovery of his health there is no hope. He is always under the surveillance of two zaptiehs, as if he were an assassin. He implores your interference and efficacious protection.

DANIEL.

[Inclosure 8.]

Mr. Stevens to Dr. Pflaum.

UNITED STATES CONSULATE,
Smyrna, May 2, 1883.

SIR: Your letter under date of April 29, but evidently written the day following, reached me by messenger late last evening. I had previously received three telegrams from you, the first one, announcing your arrest and imprisonment, reaching me at about 8 o'clock Saturday evening, too late to be acted upon before the following Monday, the conak being closed on Sunday. On Monday, after communicating with his excellency Ali Pasha, I sent you a telegram stating the result and assuring you of my purpose to do all in my power to maintain your rights, if they had been violated.

After carefully reading your letter I am forced to the conclusion that for your imprisonment and the abuse which accompanied it you have yourself to blame in a large measure. You ought not to have bandied words with Tahir Effendi, ashar maimour, still less to have assaulted the zaptieh after your release by the kaimakam. To these unjustifiable acts you doubtless owe your imprisonment and subsequent misfortunes. I am inclined to think, from your own statements, that the tribunal acted with moderation. Still, your letter is incoherent, and does not perhaps represent the facts in your favor. In order that I may be put in possession of all the facts I would suggest that you come here without delay. If you have been unjustly treated, if any of your rights as an American citizen have been violated, I shall take measures to obtain reparation to the fullest extent.

I am, &c.,

W. E. STEVENS,
Consul.

[Inclosure 9.—Telegram.]

Dr. Pflaum to Mr. Stevens.

Mr. CONSUL: I received your letter. I am still sick in prison; very sick. No order yet arrived from the governor-general. Without sending quickly as possible an order to the kaimakam he will not allow me to go out of the prison.

DR. MAURICE.

AXAR, *May* 4, 1883.

[Inclosure 10.]

Mr. Stevens to Ali Pasha.

UNITED STATES CONSULATE,
Smyrna, May 5, 1883.

EXCELLENCY: Permit me to call your attention to a flagrant violation of the laws which protect American citizens residing in the Ottoman Empire, perpetrated by the local authorities of Axar, who, without apparent cause, arrested, maltreated, and imprisoned on Saturday last, one Dr. Maurice Pflaum, a naturalized American citizen, residing in Axar, and practicing his profession as a physician.

The facts as I have learned them are, in brief, these:

Doctor Pflaum, while attending to his duties, was arrested on Saturday last, 28th April, by two zaptiehs and taken before the kaimakam on a charge of having insulted

Tahir Effendi, ashar maimour of Axar, who was indebted to him for services rendered, but refused to pay. After a first interrogation the kaimakam informed him that he was free to depart; but upon reaching the street he was arrested by the zaptiehs, who, upon showing a purpose to resist, knocked him down, beat him with a stick, and dragged him to prison. Two hours later on he was taken before the tribunal and subjected to a long interrogation, during which the kaimakam, under the pretext that there was no American representative in that locality, appeared in that role. The tribunal finally informed the doctor that, having committed no offense deserving imprisonment, he would be liberated as soon as the files could be completed. Notwithstanding this promise he was kept in prison during the night and subjected to insults and abuse from other prisoners. As a result of this bad treatment he became seriously ill, and, upon the intervention of certain foreign residents, he was taken from the prison and transferred to another locality, where he is now, struggling with disease, closely watched and practically a prisoner. I need hardly remark to your excellency that this action of the authorities and tribunal of Axar constitute an infraction and manifest violation of the rights, privileges, and immunities granted to American citizens by treaties in force between our respective Governments. Except for certain specified crimes, for none of which Dr. Pflaum stands accused, American citizens residing in Turkey cannot be arrested or imprisoned but upon the orders of a consular tribunal of their own nation; furthermore, in no case can local tribunals proceed with the interrogation of an American citizen except in the presence of the American consul or his delegate. These two important privileges were violated by the authorities of Axar in the case of Dr. Pflaum.

For these reasons I ask that it may please your excellency to give orders for the immediate release of Dr. Pflaum, and to take severe steps with regard to the inefficiency and exaggerated zeal of the authorities at Axar, in order that other functionaries may be deterred from perpetrating similar offenses.

Persuaded that your excellency can but approve my views upon the questions of law and fact involved, and all hasten to give a satisfactory solution thereof,

I have, &c.,

W. E. STEVENS,
Consul.

[Inclosure 11.—Translation.]

Ali Pasha to Mr. Stevens.

SMYRNA, *May* 7, 1883.

Mr. CONSUL: In compliance with your dispatch of May 5, 1883, in which you complain of the illegal imprisonment of Maurice Pflaum, on American citizen and physician, resident at Axar, I asked information to the president of the tribunal of that locality, through the inspector of the tribunals of this vilayet. You will find herewith inclosed a copy of the telegram of this office in reply to the aforementioned inquiry.

It would appear by this telegram that said physician insulted the zaptieh on duty and wounded Sergeant Halil; he afterwards acknowledged to have done so, and was therefore put under arrest. Having fallen sick he was afterwards transported to the hospital.

You are begged, therefore, Mr. Consul, to have the kindness to send a dragoman to Axar to be present at the trial that will take place in this case.

Accept, &c.,

ALI

[Telegram.—Translation.]

President of the Axar tribunal to Ali Pasha.

The American physician insulted the director of tithes (*ashar maimour*) and in armed hand, the zaptieh on duty in the authorities' mansion and the Sergeant Halil, while in the discharge of their duties. He wounded the Sergeant Halil. Having confessed this offense during the examination, he was imprisoned on that account, according to the report of the judge of instruction. Having become sick in prison, he was taken to the hospital upon a report to that effect.

[Inclosure 12.]

Mr. Stevens to Ali Pasha.

UNITED STATES CONSULATE,
Smyrna, May 9, 1883.

EXCELLENCY: I have the honor to acknowledge the receipt of your letter dated the 7th instant, in reply to mine dated the 5th, relative to the case of Dr. Maurice Pflaum, an American citizen, illegally imprisoned at Axar.

The statement made to your excellency in the telegram of the president of the tribunal of that locality, and of which you forwarded a copy to me, differs, in some important particulars, with the information that has reached me. Even if admitted to be correct, the facts in question afford no justification for the violation of the rights, privileges, and immunities granted to American citizens involved in, and resulting from, first, the illegal arrest of Dr. Pflaum and his release; second, his rearrest, interrogation by the tribunal, and imprisonment; and, third, the bad treatment to which he was subjected, and which has occasioned his serious illness.

These proceedings of the authorities of Axar having taken place without previous notice to this consulate constitute a contravention to express treaty stipulations. But to my demand for the immediate release of Dr. Pflaum, your excellency replied by requesting me to send a dragoman to Axar "to be present at the trial." Such an action on my part would be equivalent to an approval of the proceedings of the authorities of Axar. I have no alternative, therefore, but to abstain from taking any further steps before submitting the case to my superiors at Constantinople and receiving their instructions thereon. Meantime, I renew my protest against the illegal imprisonment of Dr. Pflaum, to the detriment of his health and to the grave prejudice of his professional duties, reserving all rights to reparation deemed proper.

Accept, &c.,

W. E. STEVENS,
Consul.

[Inclosure 2 in No. 235.]

Dr. Pflaum to Mr. Wallace.

AXAR, *May* 14, 1883.

YOUR HONOR: On Saturday, April 28, at noon, I, the undersigned, by order of the authorities of the place, was put in prison without having been informed of it before. The zaptiehs dragged and struck me with their fists and my cane as far as the prison door like a criminal.

The prison, a room 14 by 16 without a floor, the bare ground covered by some dirty mats, contained that day besides me thirteen Turkish prisoners, all poor, who on account of slight offenses, some married, some unmarried, are imprisoned no one knows for how long. No one is permitted to leave this room except half an hour in the morning and half an hour in the evening.

The reason I was put in prison is the following, viz: Tahir Effendi, ashar maimour of this place, refused to pay me for my medical service rendered. On Saturday morning I went to see him. He told me to clear out; he would not pay me one para; on that account we had some words, when I left to see some of my patients. About noon two zaptiehs with the chief of the police informed me that the kaimakam wanted to speak to me. I went there. He asked me why I had had words with Tahir Effendi. I told him on account of money due to me. Then he asked me why I had come to Turkey. I replied to him, that his Government, by contract made in Vienna, 1876, with the Turkish ambassador, Edhim Pasha, had asked me to come to Turkey. After some other words he told me I could go; I left the kaimakam. But midway between the door of the conak the zaptiehs stopped me, and by force and beating dragged me to the prison. After having been there for about two hours, I was taken before the tribunal, where I had to stand a tedious trial, when I was told to return to prison and have patience for half an hour. My patience was of no use. I was kept in prison, where I sat on a chair all through the night. There was even no place to lie down with the rest, and there was such a stench that I had to keep my head at the open window so as not to inhale the infected air. Until the morning I was not allowed to go to the water-closet, which is outside of the prison. On Sunday morning they took me to the café of the conak, which resembles much the prison; there is no floor but the bare ground. There were three Turkish prisoners there that day. About noon I had a very severe nervous attack on account of sleeplessness, exhaustion and excitement. Then friends came to see me, and at last succeeded in getting

me out of the hole of the Turkish prison. A few steps away from the conak I had no strength to walk any further. I had to sit down on a chair. After five minutes two ruffianly zaptiehs dragged me again to the conak, when the kaimakam scolded them. Then, in company with some of my friends and a zaptieh, I had, exhausted as I was, to walk to the far end of the town to a house called the hospital, but which is nothing like it. By the means employed I got a good deal better during the night, but not able to walk without assistance. I stopped at this house until I was able to walk again.

Tuesday, May 7, when I was again made prisoner at the conak. At the so-called hospital two zaptiehs watched me day and night. At the conak they gave me a small, dark room next to the office of the kaimakam. Every day they tell me to-morrow I shall be free. On Wednesday evening I asked the kadi how my affair was getting on, when I was again confined in prison with the rest in the foul air room described above. The kaimakam let me out again after two hours. On Thursday they let me have a mock trial, when they wanted to make out I was mad. On Friday noon I asked the kaimakam why I was kept prisoner yet, and Tahir Effendi, against whom I had an arsevhal, as the tribunal had told me to do, was free. He replied to me that I was kept prisoner on account of the bad words I had made use of against Tahir Effendi, and that he would not pay, whereupon I was again confined in the prison with the rest in the foul air room. They kept me there until Saturday noon. In consequence of this I fell sick again and kept prisoner in the small room next to the office of the kaimakam.

On Saturday, April 28, the same day I had been made prisoner, I sent two dispatches to Mr. W. E. Stevens, United States consul at Smyrna; on Monday morning, the 30th ultimo, another. I received on Monday, about midnight, a telegram from him, which I inclose herewith. On Tuesday, May 1, one of my friends went to Smyrna with a letter stating the facts up to Monday, April 30. The answer I received Friday, May 4, which I also inclose herewith. On Thursday, May 11—but up to to-day I have no reply.

In consequence of my imprisonment three of my patients are dead this last fortnight, and I myself am pining away every day more and more.

Copy of my reply to the inclosed letter of the United States consul, Mr. W. E. Stevens, at Smyrna.

AXAR, *May* 5, 1883.

Mr. W. E. STEVENS,
United States Consul, Smyrna:

SIR: Your favor in reply to my letter of 30th ultimo came duly to hand yesterday, but being too ill to reply I do so to-day. I feel fully the weight of your kindness in acting so quickly on my behalf by sending me your message, which was deposited in my hands on Monday at midnight, when I was roused from my unquiet sleep by the porter, who asked me to sign the receipt of the dispatch in Turkish language and handwriting, unintelligible to me. Anyhow I signed the receipt for it. On Tuesday morning one of my friends, who knows Turkish, having come, I asked him to have the kindness to translate its contents, which were very reassuring, but of no good so far to me.

When I wrote that letter to you, sir, I was hardly able to sit up to write it—it was with great effort that I succeeded in writing that letter. I wrote it early on Monday morning so as to have it ready in time. In regard to the date I was too much in a hurry, when writing, to notice the date exactly.

You tell me I have myself to blame in a large measure for my imprisonment and the accompanying abuse. Who bandied words with Tahir Effendi? He refused to pay me in bad terms after he had over and over promised to pay. Certainly I lost my patience, and gave him a piece of my mind. I am not an oppressed rajah, but, thanks to the Almighty, a free citizen of the United States.

After my release by the kaimakam, I do not understand the meaning of this. The kaimakam asked me to call on him. I went to see him, and what occurred there I think I gave you fully notice of. He did not tell me one word of prison or anything like it, so I don't know of what release you speak.

Who commenced assaulting first, the zaptiehs or I? This was not the first time I had a conversation with the kaimakam, and we always, wherever we met, had friendly intercourse. So when I left the kaimakam, as he had told me I could go, certainly I was right in going where I wanted to, as I had no notification of prison and bad treatment. Accordingly, when the zaptiehs forbade me to go on, my temper was roused; I told them to let me go my way, but they fell over me. I tried to defend myself and struck one of the fellows, but without any serious consequence, as he had only a slight abrasion on his cheek. The manner they treated me, as far as the prison door and afterwards, you know from my letter.

I do not know under what bias you have written your letter that makes you say that you are inclined to think that the tribunal acted with moderation by treating

me like a criminal of the worst kind. Had the tribunal the authority to imprison me here? Is this not an infraction against the capitulations with the powers? To my knowledge any foreigner in Turkey has to be taken before his tribunal and judged by the same. They ought to have sent me to my consulate, if I had committed any wrong. But, no, sir; they know well that I am not guilty of anything; therefore they practiced this act of tyranny and unreason, it being well known all over this town that I had been indisposed since April 25.

Then, sir, you say that my letter is incoherent, and does not, perhaps, represent the facts in my favor. I wrote the truth and nothing else, and, I think, in plain English.

At the last, sir, you suggest that I should come to Smyrna without delay, but you forget to suggest how. You write to a prisoner, "Come without delay." I am still kept prisoner at the house, situated at the border of the city.

I would suggest to you, sir, to send your dragoman with two tshaoush to deliver me out of this state. I am still ill myself. Every day this week, no matter how indisposed I was, have there come patients to the house where I am left prisoner. My patients at Smyrna are expecting me to-day; amongst others, Mr. Antonio Pasquali.

Yours, &c.,

MAURICE PFLAUM, *M. D.*

You can imagine, sir, in what excited state of mind I am. I pray you, sir, to act immediately, and not let me suffer any longer.

To-day, one hour after noon, I was called to the tribunal, where I was told that for the crime I had committed, my penalty was fifteen days in prison. But to-day it is seventeen days that they imprisoned me, and left for Smyrna. Your honor I hope will do the necessary, so that I have satisfaction for the injustice done to me.

Yours, &c.,

MAURICE PFLAUM, *M. D.*

[Inclosure 3 in No. 235.—Extract.]

Mr. Stevens to Mr. Heap.

UNITED STATES CONSULATE,
Smyrna, June 11, 1883.

SIR: I have the honor to acknowledge the receipt of your dispatches numbered 28 and 29, both dated June 1, together with a list (inclosed in No. 29) of associates for this consular court, approved by the minister under date of June 2, 1883.

Relative to your inquiries concerning the antecedents and present professional standing of Dr. Pflaum, I have to report:

I. That he was born in the province of Posen, Prussia, in 1845, and emigrated to the United States at the age of 15.

II. That "his character and his standing as a physician" may be estimated from these facts in his personal history: He graduated from the Berkshire, Mass., Medical College in 1866, and holds a diploma to that effect. In 1874 he returned to Germany, and soon after became connected professionally with hospitals in Vienna. In proof of this he has shown me a certificate signed by Dr. Frederick Fieber, physician in the common hospital, and docent at the University of Vienna, and one signed by Dr. Leopold Oser, physician in chief of the Rothschild hospital, and docent at the University of Vienna, both bearing date October 14, 1875. He was house surgeon in the English hospital at Constantinople from January to September, 1877, and refers to Dr. Patterson of that institution. He appears to have made friends at Axar, among the Christian population, as I have seen letters praising his professional skill written by missionaries, school-teachers, &c. I am also informed that the British consular agent at Axar has written a report of the outrage upon the doctor perpetrated by the officials of that place, in which he speaks in warm terms of his professional services. I may add that the doctor is now practicing in Smyrna, and that the manager of the "London Pharmacy" reports his practice as rapidly increasing.

III. He was naturalized and cast his first vote in Pittsfield, Mass., in 1866, having resided six years in the United States. Eight years after taking out his papers he returned to Europe in the capacity of surgeon on board an ocean steamer.

IV. That I have no definite knowledge as to whether his conduct in Turkey has been "peaceable or otherwise." He does not, however, appear to be a quarrelsome man.

V. * * * He denies that he is intemperate or that he uses intoxicating liquors as a beverage, but attributes his misfortunes to fondness for gay society. He says he earns money, but cannot keep it, being prodigal in his charities, &c. * * * Nevertheless, there can be no question but that he was treated in an outrageous manner by the authorities of Axar, who, to punish his temerity in asserting his rights, grossly violated treaty stipulations.

as when in jail. For many days, in much misery, he was taken from prison to hospital and back again, and in that time twice subjected to trial before a provincia court. Notice of his arrest was not given, nor was there a dragoman present at either of the so-called trials. In mockery of the treaty regulations the governor told him he would be his dragoman and defend him, and under that pretense he actually attended the hearing. Notice of the affair being at length brought to the knowledge of the American consul at Smyrna, that official addressed a note to the governor-general of the vilayet of Aïdin, setting forth the facts, calling attention to the violations of the treaty between the two Governments, and demanding release of the prisoner, but without avail; whereupon the consul protested and reserved all rights to reparation.

After this general statement, I would be very remiss in duty to your highness not to refer to the offense of which advantage was taken by the governor to subject Dr. Pflaum to the barbarities he underwent. The doctor had rendered medical services to a collector of taxes, and asked him for payment. The collector insulted him, and he replied in like terms, and persisted in his demand. The collector represented to the governor of the town that he had been insulted. The governor dispatched a police officer and three zaptiehs to bring the doctor to him. After listening to an explanation, the high functionary pretended to discharge him. At the door of the house, as the doctor was departing, the police officer rearrested him; but, supposing himself to have been discharged by order of the governor, he resisted, and out of the resistance a criminal offense was manufactured. In the prison he was thrown down, and fell upon another prisoner, and out of that circumstance yet another criminal offense was fabricated, followed, like the first one, by arrest, trial, conviction, and punishment. Relying upon your highness' admitted discernment in questions involving legal principles, I venture to remark that the wrongs here disclosed were not merely personal to Dr. Pflaum; in my judgment, they were, on the part of the governor of the town, by whom they were instigated and helped forward, direct and willful violations of rights long exercised, of vital importance to foreigners resident in the Empire, and founded in both the ancient capitulations and the treaty between Turkey and the United States of America of 1830. In that faith, and greatly and sincerely regretting the necessities which compel the resort, I have the honor to demand in satisfaction (1) the dismissal from office of the governor of Axar, and (2) the payment by the imperial Government to this legation for the use of Dr. Pflaum, and as indemnity for his injuries, the sum of two thousand pounds, Turkish money.

I avail, &c.,

LEW. WALLACE.

No. 555.

Mr. Frelinghuysen to Mr. Wallace.

No. 92.] DEPARTMENT OF STATE,
Washington, June 22, 1883.

SIR: I transmit for your information the inclosed copy of a letter from the American Board of Commissioners for Foreign Missions, at Boston, of the 19th instant, in relation to an alleged assault upon the Rev. G. C. Knapp and Rev. G. C. Reynolds by lawless men in Turkey. We are without other information upon the subject than this letter contains. You will give the matter such investigation as may be possible, and do whatever you properly can to insure protection for the gentlemen mentioned. You will also report hither such circumstances in their cases as you may be able to learn.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 92.]

Mr. Means to Mr. Frelinghuysen.

BOSTON, *June* 19, 1883.

SIR: The Prudential Committee of the American Board of Commissioners for Foreign Missions respectfully call your attention to recent violations of rights of American citizens in the Turkish Empire. There are, as you well know, many of our citi-

Saturday, the day I was put in prison), I became seriously ill. By interference of friends, who had come to see me, I was at last taken away from the prison in company with the Suleiman Effendi, the chief of police, and zaptieh. As I was very weak, I was hardly able to walk. After having walked a short distance I could not go any further. The friends who were with me brought me a chair, and I rested a little while. After five minutes, when I wanted to go on to the place where it was their intention to take me, two ruffianly zaptiehs seized hold of me and dragged me back again to the conak, when the kaimakam scolded them. Then I was forced, in the debilitated state I was in, to walk to a house, to the far end of the city, called the hospital, but which is nothing like it. There I was watched day and night by two zaptiehs.

Until Sunday, May 6, I was too sick and too weak to walk. On Sunday noon, feeling myself somewhat better but still very weak, I went, in company of one of the zaptiehs, to see the tribunal. The different members spoke very friendly to me; said they were sorry that I had fallen sick; told me to have patience for a few days and to return to the hospital. So I did. On Monday noon I was sent for by the tribunal. I went there in company with a zaptieh, when they examined me again about the affair with the zaptiehs the day of my imprisonment, Saturday, April 28. I made the same deposition as before. Then they asked me about the affair stated above, the wounding of the Persian prisoner on Saturday night. I made my deposition accordingly to what I have written above. Then they told me that they would make out the papers necessary, so that I could be free, and to return again to the hospital. So I did.

On Tuesday noon I went again, in company with a zaptieh, to see the tribunal. I told them that I was better, and saw no need of staying in the hospital any longer; that they should either let me go or put me again in prison, when they told me to wait; that the kadi and the kaimakam had gone to a village in the morning, and that they were expecting them. They could not do anything in their absence. So I waited until evening. Then, as neither the kaimakam nor the kadi had come, they took me to the conak, where they gave me a small dark room next to the office of the kaimakam; asked me to have patience until morning, when the kadi would take up my case the first. So I passed that night there. The whole day of Wednesday passed without anything being done for me. In the evening the kadi, in company of the kaimakam, came to the conak, when I asked the former about my case. He did not know what to say, but ordered me into the prison described above. About two hours afterwards the kaimakam let me out again. On Thursday afternoon I was again taken before the tribunal, when I had what seems to me a mock trial, at the eve of which they told me they wanted a report about the state of my mind, whether I was mad or not. Then, in company with the kaimakam, I went back to the conak. On Friday afternoon I wanted to know what their intention was, so I told the kaimakam, who was in company of the kadi, either to let me free, or, if not, to tell me what they wanted to do with me.

He told me that I was kept prisoner on account of bad language used against the ashar maimour, and ordered me again into the prison described above. There I passed until Saturday afternoon, when they took me out again on account of the bad state of my health; told me to go again to the room next to the kiamakam, where I was kept until Monday afternoon, the seventeenth day of my imprisonment, when I was again taken before the kadi. He opened a book, out of which he read that my punishment was fifteen days' imprisonment and a fine of seven and a half medjidies; that I was free on payment of this sum. So I paid; the receipt of which I sent with a report of what had happened to me, I have sent to the embassy at Constantinople.

MAURICE PFLAUM, *M. D.*

Signed and sworn to before me by the aforesaid deponent, Maurice Pflaum, this 26 May, 1883.

W. E. STEVENS,
Consul.

[Inclosure 5 in No. 235.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, May 26, 1883.

HIGHNESS: I beg to bring the following circumstances and demands to your attention:

Mr. Maurice Pflaum is an American citizen, and a physician resident in Axar. On the 28th April last, by order of the governor of the city, he was seized by the police, beaten and dragged to prison, a place of extreme foulness, unfit for beasts. The beating and exposure made him sick, insomuch that, to save his life, it was necessary to carry him to a hospital, where, nevertheless, he was under guard, as much a prisoner

I have nearly completed a paper of review of the treaty and tariff issues as they appertain to our Government, in which the suggestion contained in your dispatch touching a revision of Article XXII of the treaty, will be submitted to the Sublime Porte as a compromise. The proposition will in all likelihood be accepted.

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 243.—Translation.]

Aarifi Pasha to Mr. Wallace.

JUNE 28, 1883.

Mr. ENVOY: I have had the honor to receive the note your excellency kindly addressed to me on the 6th of this month, relative to the treaty of commerce concluded in 1862, between Turkey and the United States of America.

Permit me to observe, Mr. Envoy, that the notification relative to the denouncement of the said treaty was made to you on the 12th of last March, because the treaty was not put in executive form the day of the exchange of ratifications, as Article XXIII of the treaty would have required, but from the 1st (13th) March, 1862, date fixed subsequently by the convention of the tariff, signed and sealed by the representative of the United States, a convention which, practically, has replaced the said stipulation of the treaty

Besides, I have had the honor to address to you, on the 4th instant (that is to say, the day before the date invoked by your Government), a second note to reiterate the denouncement of the Turco-American treaty of commerce. Your excellency does not, however, make any mention of this communication in your note, and you confine yourself to the one of March 12. In these circumstances the imperial Government has the right to consider as valid the clear and formal denouncement contained in the note of March 12, 1883.

Nevertheless, and with the sole view of putting an end to all discussions, the Sublime Porte consents to abide, conformably to the desire of the Cabinet of Washington, by the date of the 5th of June, as marking the starting point of the 21st year.

In having the honor of bringing what precedes to the knowledge of your excellency, I beg you again to be good enough to appoint, as soon as possible, a delegate for the conclusion of the new treaty.

Accept, &c.,

A. AARIFI.

No. 558.

Mr. Davis to Mr. Wallace.

[Extract.]

No. 100.] DEPARTMENT OF STATE,
Washington, July 10, 1883.

SIR: * * * Your dispatch No. 234, of June 18, reporting the particulars of the flagrant attempt upon the lives of the Rev. Mr. Knapp and Dr. G. C. Reynolds, by Koords, near Bitlis, has been received.

Your action in the premises is approved, and it is trusted that the offenders will be secured and properly punished. You will convey the Department's thanks to Mr. Wyndham, Her Majesty's representative at Constantinople, for his courteous assistance through the British consul at Erzroom in the matter of the complaint of the assaulted gentlemen.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

zens engaged in educational and missionary labors in Turkey. We suppose that cases of attempted violation of treaty rights have been reported to the United States Government by General Wallace, our minister at Constantinople, particularly in the cases of Rev. H. Y. Perry, of Kara Hissar, and Rev. Lyman Bartlett, of Cesarea. We have just received a letter from one of the secretaries of the American Board, temporarily in Constantinople, dated May 29, in which he says: "We are made anxious by a telegram announcing that Rev. G. C. Knapp, whose residence has been in Bitlis, and Rev. G. C. Reynolds, M. D., of Van, have been attacked by lawless men, and that Doctor Reynolds was smitten by ten sword-cuts. We wait a reply to telegram for further particulars. This assault calls for vigorous measures at Washington."

Doctor Reynolds and Mr. Knapp, we presume, were traveling in the country at the time.

We are sure it is only necessary to call the attention of the State Department to the condition of things, of which the treatment of Messrs. Perry, Bartlett, Knapp and Reynolds are illustrations, to secure such interposition from our Government as the circumstances demand.

Very respectfully, &c.,

J. O. MEANS,

Clerk of the Prudential Committee and Secretary of the American Board.

No. 556.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 241.] LEGATION OF THE UNITED STATES,
Constantinople, June 30, 1883. (Received July 16.)

SIR: The dragoman of the legation reports this morning that the minister of the interior, who has charge of the business of the petroleum concession, promises to order the prefect of the city to return to the *status quo ante.* The formality waited for is a note to the grand vizier to that effect from the minister of foreign affairs. * * * I have directed the dragoman to wait upon the minister of foreign affairs, lest, in the multitude of pressing demands that beset him, his highness may forget to write the note.

I have, &c.,

LEW. WALLACE.

No. 557.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 243.] LEGATION OF THE UNITED STATES,
Constantinople, July 10, 1883. (Received July 30.)

SIR: I have the honor to transmit a copy and a translation of a communication received from his highness, the minister of foreign affairs, upon the subject of the commercial treaty between the imperial Government and that of the United States. After explaining how he came to adopt the 13th of March as the date of conclusion of the treaty, and reciting that he addressed another note to me dated June 4, he finally consents to accept the 5th of June as the starting point of the 21st or terminal year.

* * * * * * *

The treaty and the tariff questions between the Turkish Government and the powers remain *statu quo*, and will do so during *Ramazan*, which is now in full observance.

I have nearly completed a paper of review of the treaty and tariff issues as they appertain to our Government, in which the suggestion contained in your dispatch touching a revision of Article XXII of the treaty, will be submitted to the Sublime Porte as a compromise. The proposition will in all likelihood be accepted.

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 243.—Translation.]

Aarifi Pasha to Mr. Wallace.

JUNE 28, 1883.

Mr. ENVOY: I have had the honor to receive the note your excellency kindly addressed to me on the 6th of this month, relative to the treaty of commerce concluded in 1862, between Turkey and the United States of America.

Permit me to observe, Mr. Envoy, that the notification relative to the denouncement of the said treaty was made to you on the 12th of last March, because the treaty was not put in executive form the day of the exchange of ratifications, as Article XXIII of the treaty would have required, but from the 1st (13th) March, 1862, date fixed subsequently by the convention of the tariff, signed and sealed by the representative of the United States, a convention which, practically, has replaced the said stipulation of the treaty

Besides, I have had the honor to address to you, on the 4th instant (that is to say, the day before the date invoked by your Government), a second note to reiterate the denouncement of the Turco-American treaty of commerce. Your excellency does not, however, make any mention of this communication in your note, and you confine yourself to the one of March 12. In these circumstances the imperial Government has the right to consider as valid the clear and formal denouncement contained in the note of March 12, 1883.

Nevertheless, and with the sole view of putting an end to all discussions, the Sublime Porte consents to abide, conformably to the desire of the Cabinet of Washington, by the date of the 5th of June, as marking the starting point of the 21st year.

In having the honor of bringing what precedes to the knowledge of your excellency, I beg you again to be good enough to appoint, as soon as possible, a delegate for the conclusion of the new treaty.

Accept, &c.,

A. AARIFI.

No. 558.

Mr. Davis to Mr. Wallace.

[Extract.]

No. 100.] DEPARTMENT OF STATE,
Washington, July 10, 1883.

SIR: * * * Your dispatch No. 234, of June 18, reporting the particulars of the flagrant attempt upon the lives of the Rev. Mr. Knapp and Dr. G. C. Reynolds, by Koords, near Bitlis, has been received.

Your action in the premises is approved, and it is trusted that the offenders will be secured and properly punished. You will convey the Department's thanks to Mr. Wyndham, Her Majesty's representative at Constantinople, for his courteous assistance through the British consul at Erzroom in the matter of the complaint of the assaulted gentlemen.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 559.

Mr. Wallace to Mr. Frelinghuysen.

No. 245.] LEGATION OF THE UNITED STATES,
Constantinople, July 12, 1883. (Received July 30.)

SIR: I have the honor to forward for your information a copy of a paper transmitted to the Sublime Porte upon the subject of revision of the treaty and customs tariff between Turkey and the United States, of 1862. As a preface to the proposal to limit revision to Article XXII of the treaty, it would seem very proper to review the status of the proposal, showing that the treaty and the tariff have begun running the fourth term of seven years, and, except by consent of both the high parties, are now past revision or alteration for that period.

Permit me to hope that the paper will meet with your approval.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 245.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, July 9, 1883.

HIGHNESS: I have the honor to acknowledge the receipt of the communication which you were pleased to address me relative to the denouncement of the treaty of commerce between our respective Governments, of 1862, and to reply to the observations therein.

In the first place, your highness's paper is in answer to my note, in which you were informed that, according to its decision, my Government could not consent to accept the notice dated March 12 last, which you were good enough, in behalf of the Sublime Porte, to serve upon this legation for the purpose of bringing about a conclusion of the treaty mentioned.

The reason given for the position thus taken by my Government was that the notice actually served upon it was insufficient for the purpose in view, because, in direct ignorement of the provision of the treaty which fixes the 5th of June (being the date of exchange of ratifications) as the date of expiration of a term of seven years to be observed by the party wishing to conclude the convention, the Sublime Porte chose the 1st (13th) of March as the terminal date.

Or, more simply, the notice was declined by my Government because the treaty containing in itself careful definitions of the steps to be taken to accomplish its cessation, the notice given by the Sublime Porte to that end was not in accordance with those definitions. The principle insisted upon by my Government is that while a treaty endures it must be observed and faithfully followed by its signatories, which is equivalent to saying that, while holding itself bound by the treaty closely and in every particular, my Government insists that the imperial Government is bound by it in equal degree. If, on account of this disposition to adhere rigidly to the terms of the treaty, one should be moved to accuse my Government of selfishness, or ungenerous treatment of an ancient friend, and of availing itself of technicalities to attain its ends, there are two points in the situation of just application to such a charge.

First, the imperial Government, by official declaration to all the powers with which it is in treaty relations, had, prior to the service of the notice under consideration, published its intention to make material changes in the treaty; amongst other things it had announced alterations in the existing tariffs by which duties upon importations into Turkey could be carried up vastly in increase of the present maximum rate of 8 per cent. *ad valorem*.

Secondly, the terms of continuance, and, consequently, of expiration of the treaties are not the same with all the powers. Some of the treaties are now properly under denouncement; others run on unquestionably for years to come; so that unless uniformity can be obtained by consent of the Governments holding the continuing terms, it must happen that the commerce of those less favored will languish, if not utterly perish, under the strain of competition.

In this situation, admittedly so unfortunate for Turkey, my Government finds itself controlled by duty to its citizens. It is not in position to be generous. Generosity

it is too late for the Sublime Porte to now avail itself of the provision of the treaty. The period for that expired on the 5th of June last; consequently as against the imperial Government also the present tariff has begun running its fourth term of seven years, and no alteration or revision is now possible, except it be by consent of both the high parties.

Now, while this is true, it would appear not less true that the interests of both Governments would be well served by certain alterations of the existing tariff. Commodities unknown to trade in 1862 have since become staples; other articles then known have undergone changes in style and texture; very few of the goods actually on the list but have risen or fallen in value, making new appraisements necessary, if justice would be done. The matter is of business, not pride. Wherefore, in the hope of effecting an equitable accommodation of the differences existing between the high parties, I venture to suggest to your highness whether a revision of Article XXII of the treaty of 1862 would not in fact answer every practical end aimed at by the Sublime Porte? Should the proposition receive assent, all the conditions of the arrangement might be speedily perfected, and the delegates appointed to prepare the tables of goods and rates of charge to set to work with little delay.

Should the proposal meet the wishes and approval of the Sublime Porte, immediately upon receipt of an answer to that effect from your highness, I will appoint a delegate on behalf of my Government to engage in the work of preparation of a new tariff, and give him the necessary instructions.

I avail, &c.,

LEW. WALLACE.

No. 560.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 251.] LEGATION OF THE UNITED STATES,
Constantinople, July 20, 1883. (Received August 6.)

SIR: There seems to be a general stagnation in diplomatic business in this capital; and if the reason assigned for it is true, the condition may be expected to endure until the fast of *Ramazan* is over. This great service of Islam should have begun on the 5th of July, but * * * it was deferred, and began on the 6th, and will, consequently, end at sunset, August 6. The authorities must then be given three days for *Bairam*.

* * * * * * *

In the matter of tariff revision there is nothing new. The Germans and Italians are the only ones who seem to show a disposition to actually engage in the work. Both those powers have seven years to run under their old arrangements. Yet they have announced their willingness to waive their rights of continuance upon condition that the business be finally concluded by the 1st of October next. The general opinion is that the condition allows the Sublime Porte too short a time. The French and Austrians have continuing terms also. I cannot learn that they are doing anything. Meantime the content with the 8 per cent. *ad valorem* rule grows apace. In fact, the satisfaction with it is so general as to account for the apathy on the part of importing powers. The Turks continue to suffer from it.

* * * * * * *

I have, &c.,

LEW. WALLACE.

departures probably the most important have relation, one to the time of expiration of the tariff, the other to the period in which the high parties respectively might exercise their right to request alteration or revision. There has been in consequence difficulty of understanding, if not deplorable confusion. Thus the adoption by the Sublime Porte of the 1st (13th) of March as the date of conclusion of the treaty, instead of the 5th of June, was admittedly a result of the action of the tariff commission.

Allow me, in the next place, to state with particularity one of the differences between the treaty and the report of the tariff commissioners. The treaty provides in so many words: "Each of the contracting parties shall have the right a year before the expiration of the term (of seven years) to demand a revision of the tariff. But if, during the seventh year, neither one nor the other of the contracting parties shall avail itself of this right, the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years."

The same Article XXII from which the above quotation is taken settles the very important point as to when the term of seven years begins to run. The language used is, "The new tariff to be so concluded shall remain in force during seven years, *dating from the exchange of the ratifications.*" What ratifications are here intended? Clearly those of the treaty, since the term is never of technical application to tariffs, but only to treaties. Consequently, the 5th of June, 1862, is properly the beginning of the seven years' term of the tariff as well as of the treaty, making the 5th of June, 1883, the date of the expiration of the third successive term of the tariff. Should this be conceded, it follows, according to the treaty, that the Sublime Porte, wishing a revision of the tariff, should have made demand to that effect within a year before the 5th of June last.

The commissioners in preparing the tariff did not remark the definitions respecting the beginning and end of the terms of duration of the tariff as prescribed in the treaty; they agreed upon definitions of their own.

"This tariff," they state in their agreement, "is to commence with the 1st March, 1278 of the Hegira, or March 13, 1862, of the Christian era, and will continue to the 1st March, 1285 A. H., or March 13, 1869, &c. * * * As the prices of the articles aforesaid in the course of time are liable to change, six months previous to the expiration of the latter date, that is to say, during the last six months, either of the two parties will have the right to request the alteration and renewal of the tariff. But should the six months expire and neither party make this request, the term of seven years will again be extended to the tariff as it now is."

It will be observed now, if the agreement of the commissioners is to control, the last term of seven years of the tariff ended March 13 last. Also that the period in which the parties could rightfully demand alteration and renewal was during the six months previous to the said 13th of March. Also, if the parties suffered the period of demand to expire without making request, then the same identical tariff extended itself through another term of seven years.

Having settled these important points, the next inquiry is, has not the present tariff begun its fourth term of continuance?

The question must be answered affirmatively unless one or other of the high parties has made demand for alteration and renewal within the term prescribed. On this score it is enough to say that my country took no step whatever; so that as against it the continuance of the tariff for another term is absolute. It remains to be seen what the imperial Government has done on its side.

On the 17th May last I had the honor to receive from your highness a communication of that date, in which it was officially announced as follows:

"The tariff of customs concluded between the Sublime Porte and the Government of the United States of America having ceased to have a legal force since the 15th of March last, the imperial Government has decided to collect hereafter the dues of 8 per cent. *ad valorem* on the goods imported in Turkey until a new arrangement takes place.

"As this measure is to be put into execution immediately in all the custom-houses of the Empire, the competent administration has received the necessary orders accordingly."

The character of this paper will scarcely admit of question. It cannot with any plausibility be called a request for alteration or renewal of the tariff; it is a peremptory notice that the tariff ceased to be in force on the 13th of March last; to fix it as such, the imperial Government decided to make collection of customs duties thenceforward at the rate of 8 per cent. *ad valorem*. A protest to the arbitrary proceeding was transmitted to the Sublime Porte. Whether we refer to the agreement of the tariff commissioners or to the treaty, the effect is the same. Treating it as a request, it should have been presented within six months preceding the 13th of March last to be within the arrangement of the commissioners. As it is not a request, and no other paper in the nature of a request has been received at this legation or in Washington,

it is too late for the Sublime Porte to now avail itself of the provision of the treaty. The period for that expired on the 5th of June last; consequently as against the imperial Government also the present tariff has begun running its fourth term of seven years, and no alteration or revision is now possible, except it be by consent of both the high parties.

Now, while this is true, it would appear not less true that the interests of both Governments would be well served by certain alterations of the existing tariff. Commodities unknown to trade in 1862 have since become staples; other articles then known have undergone changes in style and texture; very few of the goods actually on the list but have risen or fallen in value, making new appraisements necessary, if justice would be done. The matter is of business, not pride. Wherefore, in the hope of effecting an equitable accommodation of the differences existing between the high parties, I venture to suggest to your highness whether a revision of Article XXII of the treaty of 1862 would not in fact answer every practical end aimed at by the Sublime Porte? Should the proposition receive assent, all the conditions of the arrangement might be speedily perfected, and the delegates appointed to prepare the tables of goods and rates of charge to set to work with little delay.

Should the proposal meet the wishes and approval of the Sublime Porte, immediately upon receipt of an answer to that effect from your highness, I will appoint a delegate on behalf of my Government to engage in the work of preparation of a new tariff, and give him the necessary instructions.

I avail, &c.,

LEW. WALLACE.

No. 560.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 251.] LEGATION OF THE UNITED STATES,
Constantinople, July 20, 1883. (Received August 6.)

SIR: There seems to be a general stagnation in diplomatic business in this capital; and if the reason assigned for it is true, the condition may be expected to endure until the fast of *Ramazan* is over. This great service of Islam should have begun on the 5th of July, but * * * it was deferred, and began on the 6th, and will, consequently, end at sunset, August 6. The authorities must then be given three days for *Bairam.*

* * * * * * *

In the matter of tariff revision there is nothing new. The Germans and Italians are the only ones who seem to show a disposition to actually engage in the work. Both those powers have seven years to run under their old arrangements. Yet they have announced their willingness to waive their rights of continuance upon condition that the business be finally concluded by the 1st of October next. The general opinion is that the condition allows the Sublime Porte too short a time. The French and Austrians have continuing terms also. I cannot learn that they are doing anything. Meantime the content with the 8 per cent. *ad valorem* rule grows apace. In fact, the satisfaction with it is so general as to account for the apathy on the part of importing powers. The Turks continue to suffer from it.

* * * * * * *

I have, &c.,

LEW. WALLACE.

No. 561.

Mr. Wallace to Mr. Frelinghuysen.

No. 255.] LEGATION OF THE UNITED STATES,
Constantinople, July 26, 1883. (Received August 18.)

SIR: I have the honor to transmit for your information a copy of a note addressed to the minister of foreign affairs, presenting the circumstances of an unpleasant affair in connection with an American mission, established at Shockmazman, a village over in the province of Adana. Copies of pertinent official dispatches are also inclosed, numbered 1, 2, 3, 4 and 5. I shall await the explanation demanded of the conduct of the governor with interest. That the missionaries will be returned to their school there is little doubt.

I am, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 255.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, July 26, 1883.

HIGHNESS: I regret the necessity which makes it my duty to again invoke the authority of the Sublime Porte in behalf of some American citizens at the village of Shockmazman in the vilayet of his excellency Abedine Pasha.

Recently some improvements were being made in the school building of the American mission at that place, when the villagers arose, put a stop to the work, and with threats of death if they continued it, drove off the missionaries in charge. The latter are not yet free to return to the village. I do not indulge in comment about the affair, since I know the simple mention of it will suffice with your highness.

There is a complication, however, connected with the incident, to which your highness' attention is most earnestly prayed. Mr. Robeson, United States consul at Beirut, under date of April 6 last, addressed a note to his excellency the governor-general of Adana, in whose vilayet the village of Shockmazman is situated, describing the circumstances mentioned, requesting investigation and punishment of those engaged in the offense, and asking protection in behalf of the missionaries. The communication received no attention from his excellency the governor-general, who did not even acknowledge its receipt. On the 25th of May following, Consul Robeson addressed a second note to the governor-general upon the subject, desiring to know what steps the latter had been pleased to take in redress of the wrongs complained of. To this second note there was no answer from his excellency.

In both the notes alluded to Consul Robeson informed the governor-general by written communication that the case had been reported to the kaimakam of Payas by the United States consular agent at Alexandretta, with request that he exert his authority to protect the American missionaries. That official, like his superior, the governor-general, took no steps to that end, nor did he reply to the note of the consular agent.

I have the honor, in view of the above, to ask your highness to be good enough to give such orders as may be sufficient to permit the missionaries to return to Shockmazman, continue the improvements begun by them on their school-house, and enjoy the protection which is their legal right.

I have also to ask your highness an explanation of the very extraordinary official conduct of his excellency the governor-general of Adana, in failing to give due attention to the two notes addressed to him as above mentioned by Consul Robeson. Having copies of both the notes before me, I am sure your highness would pronounce them unexceptionable in tone and address. A like explanation is requested respecting the similar failure on the part of the kaimakam of Payas. I confess freely to surprise at hearing of such discourtesy on the part of his exce lency Abedine Pasha, and deem it so contrary to his general character, that I feel quite confident it will be discovered to be the result of some unfortunate mistake.

I avail, &c.,

LEW. WALLACE.

[Inclosure 2 in No. 255.]

Mr. Heap to Mr. Wallace.

UNITED STATES CONSULATE-GENERAL,
Constantinople, July 25, 1883.

SIR: I have the honor to inclose a copy of a communication from Mr. Robeson, United States consul at Beirut, dated July 10, and of its two inclosures.

These are the papers referred to in my letter to you of the 23d instant, informing you of the outrage committed by the villagers of Shockmazman, vilayet of Adana, on American citizens by violently stopping improvements on a school-house belonging to them, and driving away and threatening them with death if they continue the work on the building.

Mr. Robeson also complains justly of the marked discourtesy of the governor-general of Adana in failing to reply to his two official communications on this subject, addressed to him on the 6th of April and 25th of May last. The example of his superior seems to have been followed in this respect by the kaimakam of Payas, who has made no answer to the written communication on the matter made to him by the United States consular agent at Alexandretta.

I am, &c.,

G. H. HEAP,
Consul-General.

[Inclosure 3 in No. 255.—Extract.]

Mr. Robeson to Mr. Heap.

UNITED STATES CONSULATE,
Beirut, July 10, 1883.

SIR: I beg to inclose herewith copies of letters addressed by me to his excellency Abedine Pasha, governor-general of Adana, Central Turkey, regarding an outrage reported to have been committed by the population of the village of Shockmazman, in the vilayet of Adana, on the persons in charge of the American mission school at that place.

I regret to say that his excellency has not paid the least attention to my letters of April 6 and May 25 referring to that case.

I therefore respectfully but earnestly beg that you will kindly ask the Porte why my official letters are treated with such discourtesy by the governor-general of Adana.

* * * * * * *

I am, &c.,

JOHN T. ROBESON.

[Inclosure 4 in No. 255.]

Mr. Robeson to Abedine Pasha.

UNITED STATES CONSULATE,
Beirut, April 6, 1883.

EXCELLENCY: I have received a telegram from the United States consular agent at Alexandretta informing me that the improvement of the mission building under the American mission station at Schockmazman has been stopped by the population of that place and that the missionaries in charge have been driven away and threatened with death if they continued the work necessary to finish the mission school building.

If the facts are true as stated, the outrage committed by the people of Schockmazman on the American missionaries is of a grave character.

I respectfully but earnestly request your excellency to cause the matter to be investigated and see that the parties who committed the outrage are arrested and punished and that your excellency will give the missionaries proper protection, as well as to permit them to return home in peace to continue their work.

I have to complain that the case was officially reported to the kaimakam of Payas, who, I am informed, took no steps to protect the American missionaries, nor even did he reply to the communication addressed to him. I will thank your excellency to inform me of the true situation and what steps you have deemed proper to take in the matter.

I improve, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 5 in No. 255.]

Mr. Robeson to Abedine Pasha.

UNITED STATES CONSULATE,
Beirut, May 25, 1883.

EXCELLENCY: On the 6th of April last I had the honor to address you a letter to the effect that the population of the Schockmazman village had stopped the improvement of the school building undertaken by the American mission at that place, and that the missionaries in charge have been driven away and threatened with death by the people of the said village if they continued the work. I also complained to your excellency that the case was officially reported to the kaimakam of Payas, who took no steps whatever to protect the American missionaries. Further, I requested your excellency to inform me what measures you have deemed proper to take in the matter.

Now fifty days have already passed and no reply has been as yet received from your excellency.

Desiring to know the result of the steps taken by your excellency in the case referred to, which if left to pass unnoticed will have most serious consequences, I request you to be pleased to inform me at your earliest convenience what has been done in the matter to protect the American interests and punish the guilty parties concerning this outrage.

I avail, &c.,

JOHN T. ROBESON,
Consul.

No. 562.

Mr. Frelinghuysen to Mr. Wallace.

No. 109.] DEPARTMENT OF STATE,
Washington, July 27, 1883.

SIR: Your dispatch No. 235, of the 19th ultimo, in relation to the arrest and imprisonment of Dr. Maurice Pflaum, a citizen of the United States, at Axar, in Syria, has been received, and the subject, in connection with the inclosures giving full details of the occurrence, carefully examined. The affair, of which Dr. Pflaum so justly complains, appears to be frankly and impartially stated by that gentleman in his affidavit of the 26th of May, sworn to before W. E. Stevens, esq., the United States consul at Smyrna, a copy of which accompanies Mr. Stevens's dispatch to Consul-General Heap, of the 11th of June, and, resting on this statement alone, the facts present a case of great hardship and of unusual and unwarranted severity on the part of the Turkish authorities. But the matter does not rest alone on this unsupported statement. There is no attempt at denial of the material facts on the part of the local authorities at Axar, and the effort made by the local governor to justify these acts of annoyance and cruelty, as unnecessary as they were unwarranted, is but an aggravation of the outrage.

Your promptness in instituting an inquiry in regard to the matter is most commendable, and your earnest and energetic demand for the dismissal of the governor of Axar and the payment to you of £2,000, Turkish money, for the use of Dr. Pflaum and as indemnity for his injuries, meets with the approval of the Department.

You will, therefore, press that demand in the name of this Government, and urge its early and equitable adjustment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 563.

Mr. Wallace to Mr. Frelinghuysen.

No. 258.] LEGATION OF THE UNITED STATES,
Constantinople, July 31, 1883. (Received August 18.)

SIR: I have the honor to transmit for your information a copy and translation of a note from the Sublime Porte upon the subject of the petroleum concession. It will be observed that his highness the minister of foreign affairs declines to acknowledge the responsibility of his Government for storage-dues paid under the concession. Along with his note I beg to forward mine in reply.

In the state of the affair as here presented you will greatly oblige me with instructions, the question being, shall I persist in presenting bills so contracted for payment by the imperial Government? My own opinion of the strict propriety and correctness of such a course is very strongly supported by a similar assertion of right on the part of the Russians. For your more perfect satisfaction on the point, and that you may understand the present attitude of my colleague, the Russian ambassador, upon the questions incident to the concession, and see that we are moving in perfect accord, I inclose a copy of the note addressed by him to the Sublime Porte.

There are bills waiting transportation, but I will defer them until you favor me with your directions. The acceptance of the bills for presentation should, of course, be with an express reservation of nonliability on the part of our Government.

I am, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 258.—Translation.]

Aarifi Pasha to Mr. Wallace.

JULY 22, 1883.

Mr. ENVOY: I have received the note your excellency did me the honor to address me on the 18th of June last, in order to inform me of your intention to claim from the imperial Government the restitution of dues collected from American citizens for storage and porterage, &c., of petroleum.

Permit me to remark, Mr. Envoy, that the protest which is the object of this not

has no motive, my department having already demonstrated to your excellency, as well as to the other missions having an interest in this matter, the indisputable right of the imperial Government to concede the establishment of a petroleum depot.

Consequently I think it my duty to decline from now the responsibility that your excellency seems to make the imperial Ottoman Government to assume on that score.

Accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 258.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, July 30, 1883.

HIGHNESS: I am in receipt of the note of July 22 last, in which you do me the honor to reply to my note informing you that the imperial Government would be held responsible for moneys collected for compulsory storage of American petroleum under the concession of Sami Bey.

Your highness answers by saying that the assertion of responsibility in such cases is without motive, for the reason that your department has already demonstrated the indisputable right of the imperial Government to concede the establishment of a petroleum depot.

I much regret to have to antagonize your highness's proposition. The power of the imperial Government to make such concessions is, in my opinion, limited by its existing treaties. Would you be good enough to refer to the note which it was my privilege to send you, dated June 7, 1882, full expression of my views upon the subject may be found in connection with depots in the city of Smyrna. Possibly your highness will kindly pardon a partial repetition of my former expressions, the reference now being to the statement that the present claim of imperial responsibility for dues paid Sami Bey under his concession is without motive, which I interpret as meaning without reason.

By the commercial treaty between our Governments of 1862 Turkey solemnly engaged itself not to subject importations from the United States to a charge or duty exceeding 8 per cent. *ad valorem*. That engagement still endures and is in the nature of a guaranty which a nation cannot violate without liability to reclamations, and to the principle of liability in such cases I beg permission to refer your highness as the basis or motive of my note.

Suffer me a further remark applicable particularly to your highness's declaration of indisputable imperial right to concede the establishment of Sami Bey's petroleum depot. It is well enough as against even a treaty to assume in behalf of a signatory power a reserved right to take measures in protection of the persons and property of its subjects against dangers incident to certain importations. The right, however, is to be exercised with due regard to the guaranties of the treaty. Thus there is no disposition, as far as has come under my observation, upon the part of any of the powers interested in the importation of petroleum into Turkey to object to the establishment of depots for the storage of the article at places outside the city, provided such depots (1) are conveniently situated, and (2) do not occasion charges extra the customs duty allowable under the treaty, and (3) are not of right compulsory upon the importer. Of these three conditions your highness will pardon me, I hope, for saying the first is, in my opinion, the only one which has been in fact regarded in the concession to Sami Bey.

In strictness the Sublime Porte, regardful of the treaty, would have exhausted its power had it published a regulation defining limits around the city, and forbidden the storage of petroleum in excess of a stated quantity inside those limits, leaving importers and dealers free to establish depots of their own or make arrangements at their pleasure consonant with the regulation. This principle, I beg to add, might have been interposed to the concession of Sami Bey in the first instance, and it remains to be seen if the action of the imperial authorities will not yet drive my Government to its assertion. The proposal of return to the *status quo ante* was purely in the way of compromise of a troublesome question, which I very sincerely hope is still of possible acceptance by the Sublime Porte.

I avail, &c.,

LEW. WALLACE.

[Inclosure 3 in No. 258.—Translation.]

Russian ambassador to minister of foreign affairs.

The imperial embassy had the honor to receive the note circular of the Sublime Porte, dated the 27th of May, 1883, relative to the petroleum depots at Tchibouklı. It regrets not being of the same way of seeing, as exposed in the note already mentioned, relative to the advantages that the concession of Sami Bey & Co. would give the commerce of petroleum. Certainly the necessity to assure public security against the dangers that arise from large agglomerations of inflammable materials does not justify the creation of a monopoly so onerous for commerce. This necessity would not authorize the perception of an arbitrary and disproportionate tax.

According to news which has reached the imperial embassy, the Society Sami Bey & Co. claim for each can of petroleum (of a mean value of about 30 *piastres*) a storage due of 90 *paras* for the first month, and of 15 *paras* for every following month. In taking three months as the mean time which every can remains in the depot, it follows that every can pays a mean due of 3 *piastres*, equivalent to 10 per cent. If one adds to this sum the custom-house dues and assurances for its transportation to town, for losses in the depot, it is found that every can of petroleum must be raised 10 *piastres* at least, which makes it one-third dearer than on the market of Constantinople.

A storage due so considerable, three times as high as the dues collected up to this day in the old depots, is evidently in disproportion as well with the price employed in the construction of the depot and in its keep as with the advantages assured by this establishment to the local commerce. The surplus obtained by the perception of this tax can, therefore, only be regarded as a *surtax* or *additional impost*, which would, moreover, not profit the Ottoman treasury, but individuals.

Nothing would justify the gathering of such taxes. They will of necessity stop the development of an object of great necessity; while, on the contrary, the interests of the Ottoman *fisi*, as well as the interests of the consumers, would exact the development of this branch of commerce by every means which would tend to lessen the price of so indispensable an article.

In consideration of the arguments already mentioned and developed in several former notes addressed to the Sublime Porte, the Russian embassy thinks itself permitted to ask that the concessionary company of the depots at Tchibouklı be invited to reduce to reasonable prices the storage dues of petroleum. In case the said society held to the same prices, the imperial embassy finds itself in the necessity:

1. To insist upon the rights of Russian merchants, which cannot be contested, who are occupied with the importation of petroleum into Turkey, to construct depots for petroleum for their own use, on condition, be it well understood, to conform strictly to public security as prescribed by the rules of the port of Constantinople.

2. To claim of the Ottoman Government for damages and interests for losses experienced by Russian merchants, it being the perception of an arbitrary and exorbitant tax by the actual concessionaries of the depots of Tchibouklı.

No. 564.

Mr. Frelinghuysen to Mr. Wallace.

No. 115.] DEPARTMENT OF STATE,
Washington, August 9, 1883.

SIR: Your No. 245, of the 12th ultimo, in relation to the revision of the Turkish tariff and our treaty of 1862 with that Government, has been received, and your note to the minister for foreign affairs upon the subject meets with the Department's approval. While we are satisfied that under the strict engagements of the treaty the fourth period of seven years has already begun to run, we are not averse to making such revision as is suggested in the concluding part of your note, and bringing our tariff engagements with Turkey into harmony with her like engagements with other powers before the end of the now current period of seven years.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 565.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

262.] LEGATION OF THE UNITED STATES,
Constantinople, August 10, 1883. (Received August 29.)

IR: As bearing upon the question of reclamation against the Otto- ı Government of storage dues paid by importers of American pe- eum under the existing concession to Sami Bey, I have the honor to ısmit a copy and a translation of a paper received yesterday from Seefelder, representative here of Messrs. Meissner, Ackermann & merchants of New York and exporters of petroleum.
ı behalf of his principals, he gives notice of payment made on a signment to him, and also of other cargoes coming. Having referred matter of the presentment of such demands for your instructions, ill not at present do more than acknowledge the receipt of Mr. felder's communication.

* * * * * * *

I have, &c.,

LEW. WALLACE.

[Inclosure in No. 262.—Translation.]

Mr. Seefelder to Mr. Wallace.

CONSTANTINOPLE, *August* 7, 1883.

R: I, the undersigned, A. Seefelder, the representative in this city of Messrs. Meiss- Ackermann & Co., merchants, of New York, have the honor to remind you of protestations and reservations that I have made on several occasions against the ension of Sami Bey and partners to oblige merchants to deposit petroleum arriv- in Constantinople in the depots of Tchibouklı and to make one pay for such age exorbitant and arbitrary taxes. I have shown that these exigencies violate ıe same time treaty rights and principles of justice and commercial liberty, and they end in a vexatious speculation upon all the merchants by some persons, ıout any advantage to the public and to the great detriment and injury to the oleum trade.
have now to inform you that, having received from consignors in New York a o of petroleum by the sailing vessel Drina, which arrived at Constantinople on 18th of July last, I am prevented from landing five hundred cases of the cargo ch are intended for the Constantinople market, and have been obliged, in order to d greater damages, to pay Sami Bey and his associates a tax of 90 *paras* per case, unting to the sum of £11 (Turkish) and 25 *piastres*.
denouncing, Mr. Minister, this flagrant violation of treaties, I have to declare, in name of my principals, that I protest in the most formal manner against the il- lity and abuses committed to their prejudice, and I beg you to claim, in the man- you may deem best, the immediate repayment of the sum which I have been ngfully compelled to pay.
beg at the same time that you will be pleased to notify this protest and claim to Ottoman ministry of foreign affairs, and use your good offices at the Sublime Porte op the further intolerable exigencies of Sami Bey and his associates.
must also, to protect still more effectually the interests of my employers, inform r excellency that it is all the more urgent to obtain a definitive solution of this e question as my principals have already sent two other large cargoes of petro- ı, one of 13,000 cases and the other of 24,000, which will arrive shortly at Constanti- le, and that under these circumstances it is of interest to them to be guaranteed nce against all unforeseen illegal taxes contrary to the terms of the treaties.
ı placing with confidence the rights and interests of my principals, citizens of the ted States, under your protection,

I have, &c.,

F. SEEFELDER.

No. 566.

Mr. Wallace to Mr. Frelinghuysen.

No. 264.] LEGATION OF THE UNITED STATES,
Constantinople, August 14, 1883. (Received September 3.)

SIR: Referring to your several dispatches relative to the business of the American Bible House in Constantinople, but more particularly to the seizures of its books by the imperial authorities, I beg to inform you that I persisted in the suggestion, heretofore reported to the Department, of the appointment of delegates representing the Sublime Porte, the Bible House and the legation, to consider a plan satisfactory to all the parties interested, for the prevention of such seizures in the future. It gives me pleasure to report that at a meeting yesterday Mr. Garguilo, acting for the legation, and Mr. Dwight, acting for the Bible House, concluded such an arrangement with the minister of public instruction. The terms agreed upon will in due time reach me through his highness the minister of foreign affairs, and I will then transmit a copy to the Department. Should there be no changes in the arrangement while it is going through the Sublime Porte, I am decidedly of opinion that it will be very advantageous to the Bible House, and go far towards obviating the annoying interference to which its business has been so constantly subjected.

Very respectfully, &c.,

LEW. WALLACE.

No. 567.

Mr. Wallace to Mr. Frelinghuysen.

No. 266.] LEGATION OF THE UNITED STATES,
Constantinople, August 14, 1883. (Received September 3.)

SIR: It gives me great satisfaction to inform you, on the report of Mr. Garguilo, made this morning, that the council of ministers decided at their last meeting to appoint a commission to inquire into and settle the affair of Sami Bey, the petroleum concessionaire. I suppose notice will be given me of the fact. In that event I will appoint Consul-General Heap to represent the legation before the commission, under instructions:

1. To insist upon the *status quo ante* during the session of the commission and until the settlement becomes a finality.
2. To act in concert with the Russians, who will doubtless be similarly represented, unless our interests require independent action and redress.
3. To report progress and conclusions, committing himself to nothing without my direction.

From conversation with the Russian delegate appointed for the revision of the tariff, I have ascertained that his Government is willing to agree to pay storage dues not exceeding 60 *paras* the case. My own disposition is to do the same. The advance upon the old régime would be only 5 or at most 10 *paras*, and if the regulation is of equal application to our Russian competitors the charge would be unimportant. The dealer would, of course, make himself whole from the consumer.

I have, &c.,

LEW. WALLACE.

No. 568.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 267.] LEGATION OF THE UNITED STATES,
Constantinople, August 22, 1883. (Received September 10.)

SIR: I have the honor to inclose herewith the further correspondence touching the affair of Dr. Pflaum, consisting of a note from the Sublime Porte and a note from this legation, both in copy.

Until a reply is had to the latter it will, of course, be impossible for the President to decide upon final action proper in the case.

* * * * * * * *

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 267.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, August 14, 1883.

Mr. ENVOY: I had the honor to receive the note you were so good as to address me on the 26th of last May relative to the treatment received by Mr. Maurice Pflaum, an American doctor living at Axos, at the hands of the local authorities of that place.

The information which the imperial ministry has obtained on this subject from the governor-general of the vilayet of Aidin does not coincide with what has been reported to the United States legation. This information is to the effect that the authorities of Axos acted towards Mr. Maurice Pflaum in the most regular manner. In the absence of an American consular agency at Axos the tribunal of first instance of that town was obliged, in accordance with the rule always followed in such cases, to judge the facts of which Dr. Pflaum was accused in the presence of the kaimakam, the highest functionary of the place. Found guilty of having insulted Tahir Effendi, the director of tithes, of having given a blow with his fist to a certain Bekir, sergeant of the gendarmerie, and struck in the face and slightly wounded the corporal, Halil, a sentry, while they were in the exercise of their duties, Mr. Pflaum was sentenced, in virtue of article 113 of the penal code, to fifteen days' imprisonment. Concerning his transfer to the Greek hospital, it was a measure of simple precaution taken in his own interest, as by his reprehensible conduct and his behavior to the civil as well as military functionaries he had so excited public opinion that he would have incurred the gravest danger if the local authorities had not thought proper, in view of calming the public exasperation, to have him transferred to the hospital under the pretense that he was afflicted with insanity.

Such are the facts. In bringing them to the knowledge of your excellency I entertain the hope that in your spirit of equity you will yourself acknowledge that the conduct of the imperial authorities was most correct and that the complaint of Mr. Pflaum was unfounded.

Be pleased, &c.,

A. AARIFI.

[Inclosure 2 in No. 267.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, August 21, 1883.

HIGHNESS: I beg to acknowledge receipt of the note which you had the goodness to send me relative to the demands presented in behalf of Dr. Maurice Pflaum.

Your highness is pleased to say in the note that the information which the imperial ministry has obtained on the subject from the governor-general of the vilayet of Aidin does not coincide with what has been reported to the United States legation.

I regret to have to differ with your highness in this conclusion, and to remark, with your favor, that it is interesting to observe how singularly well the facts of the case as far as they are stated in your note coincide with the facts as they are given in my note.

All the circumstances out of which the unfortunate affair grew, such as that Dr. Pflaum was first insulted by the director of tithes; that the insult charged was a demand for the payment of an account for medical services rendered the director; that this alleged insult, always to be distinguished from violence done or threatened, was the crime or offense for which the governor of the town arrested the doctor and had him summarily brought before him by zaptiehs; that the governor pretended to discharge the doctor; that, believing the discharge to have been in good faith, the doctor resisted the zaptieh when, at the governor's door, they undertook to rearrest him; that the unfortunate man, overpowered, was then committed to a prison of such extreme foulness as to be unfit for beasts; that he fell dangerously ill, and in that condition was hauled by zaptiehs from prison to hospital and back again, and thence to trial, and all in two days. All these circumstances, set out in my note, are not denied by your highness; wherefore it is but just to hold them true and admitted.

In the next place, the assertions of fact of most importance in my note are well covered by your highness's admissions. Such are the averments that Dr. Pflaum was arrested on a criminal charge, and tried, convicted and sentenced by an imperial tribunal, and that the sentence was executed by the imperial authorities. Indeed your highness is not only pleased to verify these averments contained in my note, you even indulge in some details not before disclosed. Thus we now know that the court which assumed to try this American citizen was the criminal court of the first instance of Axos, and that the offense of which he was accused had reference to the 113th article of the penal code of the Empire. We also know, by your highness's admissions, that there was no dragoman of an American consul present at the trial, but that, as stated in my note, the hearing was had in the presence of the kaimakam, he who ordered the doctor's arrest for insulting the director of the tithes. Finally, we are now expressly assured through your highness that the imperial ministry holds all the things so complained of by this legation to have been done in the most regular manner according to custom.

I will ask your highness to pardon me if I pass without comment the excuses furnished the imperial ministry for the wrongs inflicted upon Dr. Pflaum; it is of much greater importance to again request the Sublime Porte to consider if the trial was not void for want of jurisdiction in the tribunal. If the legality of the proceedings from first to last be tested by reference to the treaty of 1830, the doctor should have been sent into the United States consular court at Smyrna. If their legality be tested by the ancient capitulations, they were void from first to last because proceeded with in absence of some one representing the consular authorities. It is worthy of remark also that the assumption of right to execute the sentence of the tribunal is an advance upon the old contention of the imperial Government, the effect of which, if admitted by my Government, would be to abrogate Article IV of the treaty *in toto*. I very sincerely deprecate a resolution to force the dispute so long pending between the two Governments relative to that article. It seems to me wiser to get along with it as heretofore, and in this opinion I am confident your highness will join me.

Permit me to remark further of your highness's note, that it does not, anywhere categorically, decline to accede to the demands for the removal of the kaimakam of Axos and the payment for the benefit of Dr. Pflaum of the indemnity asked. In execution of the instructions of my Government, and in its name, I have the honor to renew those demands. If the Sublime Porte is fully decided to deny them, it will at least be good enough to give me a direct answer to that purport.

I avail, &c.,

LEW. WALLACE.

No. 569.

Mr. Frelinghuysen to Mr. Wallace.

No. 123.] DEPARTMENT OF STATE,
Washington, August 31, 1883.

SIR: Your dispatch No. 258, of the 31st ultimo, relative to the petroleum concession, and in which you report that the Government of Turkey declines responsibility for dues paid thereunder, has been received and had attentive consideration.

As the alleged non-liability of Turkey for the dues paid under the concession admittedly rests on the right claimed by the Porte to make the concession itself, and as this Government denies the rightfulness of the concession in question, the United States cannot admit Turkey's non-liability to refund the dues. Accordingly all statements of dues paid should be presented by you *pro forma* and refund asked.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 570.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 272.] LEGATION OF THE UNITED STATES,
Constantinople, September 7, 1883. (Received September 24.)

SIR: Upon the strength of a letter from Rev. Mr. Knapp, of which a copy is inclosed, I have addressed a note to the Sublime Porte which is herewith submitted by copy.

The statements of Mr. Knapp are in point of veracity sufficient of themselves, but they have corroboration in the reports come to me through the British embassy.

* * * * * * *

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 272.]

Mr. Knapp to Mr. Wallace.

BITLIS, TURKEY, *August* 21, 1883.

MY DEAR SIR: I wrote you 7th instant and gave you an account of the agitation going on on the part of the Turks against the Christians in the city, aggravated by the departure of Mr. Eyres for Van before he could accomplish his work.

I write now to give an illustration of this hostile feeling which is manifested towards our Protestant community, and indirectly affects me.

Our people commenced the middle of last month to build their high-school building and hoped to have it completed by September 1, in season for the new school year. But the Turks have united to interfere, threatening personal violence; and also threatening to tear down the building if it goes on. The result is that our people, fearing bloodshed, if not a general massacre of the Christians, are naturally deterred from prosecuting it. To add to their difficulty, owing to our pasha being held in such disrepute both by the Turks and Christians, and it being generally considered that there is practically no government. the Turks have everything their own way.

I beg, in view of these considerations, our community have no confidence in applying to the pasha for justice. They have a *firman* from the pasha to build. Soon the winter will be upon them, and they will be without not only a school-house, but also a place of worship (they having surrendered their chapel in which they have worshiped for seventeen years past to be converted into a school building), to say nothing of the great injury that the incompleted building will sustain exposed to the weather in the winter.

Furthermore, they have a *firman* for building a new church, and they hoped to lay the foundation this year; but I am now told that the mussulman community are concocting plans to prevent this *firman* from being carried out.

The building committee have held several meetings in their dilemma, to which they invited me to be present, and they naturally look to me for advice.

This advice has been on my part for them to go on and build according to their *firmans* until they are hindered even by personal violence, and to take no notice of threats. But seeing the present animus of these Koords, they consider such a course very hazardous.

I ask what I should do in the premises. If there were an exhibition of admonitory force to the extent of lifting up a little finger, the opposers would retreat from their daring undertaking. As it is, we seem to be altogether helpless, both our people as a community, as well as I personally.

I pleading ask you, what shall I do?

I remain, yours sincerely,

GEO. C. KNAPP.

[Inclosure 2 in No. 272.]

Mr. Wallace to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, September 6, 1883.

HIGHNESS: Referring to the cases of Mr. Knapp and Dr. Reynolds, Americans attacked upon the highway, robbed, and left for dead by Koords in the neighborhood of Bitlis, it is with the greatest regret that I find it necessary to renew my demands heretofore presented upon the subject. My regret, I beg to say, is heightened by consideration of the failure of the orders you were good enough to issue in behalf of the Sublime Porte for the apprehension and punishment of the offenders. The goods and money taken from the American gentlemen have been restored but in small part, while the robbers are at large. Of course I cannot know what reports have been received by your highness touching the affair, still I think you will excuse me for saying that the facts are as I here state them, and for adding, with necessary plainness, that the Sublime Porte cannot rely upon the governor to bring the robbers to justice.

The information touching that official's administration of his office is from most credible sources, and justifies me in requesting and urging an investigation of his official conduct; for bribery and corruption are openly charged against him, and it is a common report in Bitlis that if he is not actually confederated with the thieves, robbers, and lawless Koords of the vilayet, he is at least overawed by them, and to such a degree that good men of all nationalities and creeds are living in constant fear, knowing it useless to approach him with petitions for redress.

Now, your highness, I cannot assume to speak in behalf of the many good Mussulmans who are thus misgoverned, or to ask redress for them, and I do not; but I make certain of your seeing, and agreeing with me, that it is my duty to call attention to the situation of my own countrymen who live in Bitlis and the vilayet. They are in serious danger to life and property, and share the general distrust of the governor to such extent that they prefer to appeal through the legation to the Sublime Porte for protection. There can be little doubt, in fact, that unless some good, determined, fearless officer is sent to administer the affairs of the province, you may look for news of riot and massacre of Christians any day. I beg to repeat that the mischiefs there brewing cannot be too speedily made a subject of vigorous inquiry and prevention.

I avail, &c.,

LEW. WALLACE.

No. 571.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 274.] LEGATION OF THE UNITED STATES,
Constantinople, September 12, 1883. (Received October 1.)

SIR: In my dispatch No. 272 I inclosed a copy of a paper with remark that the original had been transmitted to the Sublime Porte. The subject was the attempted assassination of Rev. Mr. Knapp and Dr. Reynolds, near Bitlis. On the 10th instant, through the courtesy of Mr. Wyndham, Her Britannic Majesty's chargé d'affaires at this capi

tal, I was permitted to read certain dispatches from Colonel Everett, British consul at Erzoom, relative to the same subject, and make copies of them, which I transmit herewith. Mr. Wyndham's note accompanying the dispatches is also forwarded.

Observing that the information thus brought me would serve for more direct demands upon the Porte than were contained in the paper referred to in my dispatch No. 272, I was very much pleased to find that my clerk had, by accident, failed to give the latter paper to the messenger for delivery to his highness the minister of foreign affairs, whereupon I stopped it and prepared a communication in its place, which I inclose to you by copy. * * *

The situation of our countrymen in the vilayet of Bitlis is deplorable, and certainly calls for energetic demands upon the Sublime Porte. It is very difficult to draft a paper upon the subject and keep within the diplomatic restraints. Let me hope my present communication to the minister of foreign affairs will meet your approval. * * *

I have, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 274.]

Mr. Wyndham to Mr. Wallace.

THERAPIA, *September* 10, 1883.

MY DEAR GENERAL WALLACE: I inclose you a dispatch which has reached me to-day from Mr. Eyres, providing copy of a report he has addressed to his immediate superior, Colonel Everett. According to his report it would be most desirable if Moussa Bey could be arrested. Pray make such use of this report as in your discretion you may think proper, and kindly return me the documents at your convenience.

I also inclose a dispatch from Colonel Everett in which he expresses the opinion that it would be advisable that you should take some action as to the position of the missionaries at Bitlis, and states that Moussa Bey was the man who cut down Dr. Reynolds.

Pray return me this dispatch also, and believe me, yours, sincerely,

HUGH W. WYNDHAM.

[Inclosure 2 in No. 274.]

Mr. Eyres to Mr. Wyndham.

VAN, *August* 18, 1883.

SIR: I have the honor to transmit herewith, for your information, two copies of a dispatch addressed by me to Colonel Everett.

I have, &c.,

H. C. A. EYRES.

[Inclosure 3 in No. 274.—Extract.]

Mr. Eyres to Mr. Everett.

VAN, *August* 16, 1883.

SIR: I have the honor to inform you that, in accordance with your instructions, I made inquiries concerning the attack on the American missionaries near Bitlis. My powers of action were much limited by my inability to apply to the authorities for assistance, but I was enabled to obtain the names of three out of the four men who were implicated.

The Christian inhabitants of Kubian (Khavenir), where Moussa Bey, son of Mirza Bey, a powerful Koordish chieftain, resides, asserted that Dr. Reynolds's idea as to the cause of the outrage was perfectly correct—that is, that Moussa Bey considered his

honor insulted by the cool reception afforded him by the two missionaries, though they were entirely ignorant at first of his personality. He determined to revenge himself, and carried out his determination in the manner already described by Dr. Reynolds. There were, however, four men engaged in the affair, one being in reserve in the bushes in case he was required. Moussa Bey in person was the leader, but he was so far disguised that he wore the common Koordish costume of black "aba" instead of the dress of a bey. He it was who used the sword and attacked Dr. Reynolds. There were besides a servant of his own village, Kubian, name unknown, and two Koords from the village of Marnik, by name Sheref Oghlon Osman and Asskian Oghlon Hassan.

The governor-general of Bitlis, on hearing of the outrage, sent zaptiehs to Mirza Bey, with orders to arrest the guilty persons. Mirza Bey went with the zaptiehs to the village of Avzout, and pointed out four Koords of another tribe as the guilty men. The zaptiehs arrested them, and remained there the night, during which some person threw a bundle into their room, containing most of the stolen property, though there are still some articles of value missing. This was done probably in order to throw the police off the scent as to what village the real malefactors belonged to.

Dr. Reynolds and Mr. Knapp were, of course, unable to identify any of the four men arrested, but they both agreed that one man much resembled the leader of the band. This man is known to bear a peculiar likeness to Moussa Bey. It seems altogether doubtful whether either of the missionaries could identify the right men, as the whole affair passed so quickly, but Mr. Knapp thinks he would be able to identify the leader of the band. It would naturally be impossible to expect any of my informants of the villages to give evidence in court, as they would most certainly lose their lives if they had the temerity to adopt such a course. Therefore at first sight it would seem difficult to obtain a conviction, if the arrests were made. But even supposing Moussa Bey were not one of the actual perpetrators of the deed, it is unquestionable that both he and his father are responsible for all deeds of violence done in their district. It is a saying amongst the people that a bird cannot fly without their knowledge, and this Moussa Bey is a notorious murderer and robber.

* * * * * * *

With regard to the question of escort, Dr. Reynolds did not ask for a zaptieh to accompany him on his journey, but before starting he inquired of the governor-general of Bitlis if there was any danger on the road, and the answer was that the country was in a state of perfect security. Dr. Reynolds, therefore, did not think it necessary to ask for any escort.

I have only to add that the punishment of Moussa Bey would have a most salutary effect on the Koords in the country around Bitlis.

I have, &c.,

H. C. A. EYRES.

[Inclosure 4 in No. 274.]

Mr. Everett to Mr. Wyndham.

ERZROOM, *August* 31, 1883.

SIR: Extracts which I have read from letters received by the missionaries here from Mr. Knapp, their colleague at Bitlis, together with the contents of a letter which I myself have received from him, seem to indicate that his position, as well as that of the Protestant community at Bitlis, is very far from satisfactory. It appears that both he and the lady teacher stationed there are frequently stoned and insulted, and there is some probability of the inhabitants injuring some buildings which are being erected by the Protestants under *firmans* which they have lately received from the Porte.

Mr. Knapp attributes the present attitude of the people to the absence of any steps to obtain satisfaction for the outrage of June last. I have no doubt that this supposition is in part correct.

I should therefore recommend, with a view to prevent further outrage and possible disorders, that the American minister be advised of the desirability of moving in the matter, and, if his Government takes any interest in the buildings which are being now erected at Bitlis, of the expediency of procuring at an early date a special order to the vali directing him to see that no damage is done to them.

I am expecting by every mail an official report on the subject of the June outrage from Mr. Eyres; in the mean time I am able to inform you that the affair was premeditated and that Moussa Bey, the son of Mirza Bey, is the man who cut down Dr. Reynolds.

I have, &c.,

WILLIAM EVERETT,
Her Majesty's Consul for Koordistan.

[Inclosure 5 in No. 274.]

Mr. Wallace to Aarifi Pasha.

No. 179.] UNITED STATES LEGATION,
Constantinople, September 10, 1883.

HIGHNESS: It is with the greatest regret I find it necessary to call your attention again to the robbery and attempted murder of Rev. Mr. Knapp and Dr. Reynolds by Koords near Bitlis, and to inform you that the robbers have not been arrested and that the goods and money taken by them have been returned, but in small part.

I beg to say, also, that it is now in my power to give you the particulars of the robbery and of the succeeding action of the governor-general of Bitlis. Mr. Knapp and Dr. Reynolds, putting up for the night in a house, failed to offer a cup of coffee to a person present named Moussa Bey, of the village of Kubian (or Khavenir), and son of Mirza Bey, a powerful Koordish chief. Moussa Bey conceived himself insulted by the cool reception, and though the gentlemen, instantly they found who the man was, politely sent him a cup of coffee, next day he waylaid them as they were traveling along the highway. There were four men engaged in the affair beside Moussa Bey; one his own servant, living in the village of Kubian, and two Kurds of the village of Mornik. The last two mentioned are named Sheref Oghlon Osman and Asskian Oghlon Hassan. Moussa Bey was the leader of the party, and with his own hand cut Mr. Reynolds down, and left him, as he supposed, dead from ten sword wounds. The assistants beat Mr. Knapp with clubs until he was supposed to be in the same condition. Both gentlemen were then dragged into the bushes and left there, after being robbed of their valuables.

Before setting out on the journey the travelers, having been assured by the governor-general that the roads were perfectly safe, went without guards. When the affair was reported to the governor he made show of action and sent zaptiehs to arrest the robbers, putting them in charge of Mirza Bey, the father of Moussa. With the police the father went to the village of Avzout, and there pointed out four Koords of another tribe as the guilty men.

The four thus designated were taken into custody and presented to Messrs. Knapp and Reynolds, who said they were not the robbers.

During the night in Avzout a bundle was thrown through a window into a room occupied by the guard, which, on examination, proved to contain a portion of the stolen effects—all of them which have in fact been recovered. With this the governor rested from his efforts, and reported the felons caught and punished, and the property retaken and returned. Again I emphasize to your highness that the report is not true, and more, the chief of the assassins, Moussa Bey, is at liberty and has been all the time; and still more, your highness, the details I have the honor of submitting to you are current through all the region of Bitlis, having been first given out by Moussa Bey himself.

Out of great respect for the Sublime Porte, which cannot be supposed to sympathize with misconduct in any quarter of the Empire, I refrain from comment upon the course of the governor-general, except to refer to its manifest inefficiency, giving ground to suspect him of using his authority for the protection of the criminals rather than their punishment. Coupling it with the reports of the condition of the vilayet come to me since the affair of Messrs. Knapp and Reynolds, and recalling that the orders already issued by your highness for the punishment of the robbers have been fruitless, I see no hope of accomplishing anything like redress unless a brave and impartial officer be sent there to investigate the governor-general's administration and take the business in his own hands; and that I venture to suggest and even urge upon your highness.

Such a step may serve to save the lives of many Christian people now in serious danger; it will certainly result in securing to them the enjoyment of legal, civil and religious rights of which they are at present denied.

I have also the honor to demand that Moussa Bey and his fellow robbers, Sheref Oghlon Osman and Asskian Oghlon Hassan be arrested and fully punished. It may be, should this be done, that from fear of their lives the people who might testify against the men will not speak out; nevertheless I cannot but think it will do good to prosecute the case with honest effort. In every event Mirza Bey and Moussa Bey in their capacity of chiefs are responsible for the crimes committed by their dependents. Could they be brought to just sentence it would unquestionably lessen the demand for indemnity which otherwise it will be my duty to present against the imperial Government in the connection.

Should the Sublime Porte graciously conclude to act as I have taken the liberty to suggest and demand, it will no doubt see that it will be especially necessary that Messrs. Knapp and Reynolds receive extra protection for some time to come. If

neglect to offer a cup of coffee to a stranger was enough to excite vengeance upon them so nearly ending their lives, they will be held to much worse account if the assassins are arrested and punished.

Not doubting that the Sublime Porte will listen to my appeal in the matter, I avail, &c.,

LEW. WALLACE.

No. 572.

Mr. Wallace to Mr. Frelinghuysen.

No. 275.] LEGATION OF THE UNITED STATES,
Constantinople, September 14, 1883. (Received October 1.)

SIR: Referring to dispatch to this legation No. 100, and dated July 10, 1883, relative to the attack upon Mr. Knapp and Dr. Reynolds by Koords near Bitlis, I have the honor to forward a copy of a note which it has given me great pleasure to address to Mr. Wyndham, Her Britannic Majesty's chargé d'affaires in Constantinople, conveying to him the thanks of the Department of State for courteous assistance rendered. A copy of Mr. Wyndham's reply is also inclosed.

Very respectfully, &c.,

LEW. WALLACE.

[Inclosure 1 in No. 275.]

Mr. Wallace to Mr. Wyndham.

UNITED STATES LEGATION,
Constantinople, September 12, 1883.

SIR: I beg to return the papers received from Messrs. Everett and Eyres relative to the American missionaries, Rev. Mr. Knapp and Dr. Reynolds, resident near Bitlis. They may prove of great service in the effort I am making to bring the men engaged in the robbery of those gentlemen to justice.

Permit me to add that my note would be very incomplete if I failed to avail myself of the opportunity to convey to you a message with which I have been intrusted by the honorable Secretary of State of the United States, Mr. Frelinghuysen. Information of the interest you so kindly manifested in the affair of the unfortunate American gentlemen just named, and of the orders you were pleased to send to Her Majesty's consul at Erzroom in their behalf, having been communicated to the honorable Secretary, he instructed me to give you the thanks of the Department of State for your courteous assistance in the matter; and I find great satisfaction in performing the very agreeable duty.

Very truly, &c.,

LEW. WALLACE.

[Inclosure 2 in No. 275.]

Mr. Wyndham to Mr. Wallace.

BRITISH EMBASSY,
Therapia, September 14, 1883.

DEAR GENERAL WALLACE: I beg to acknowledge the receipt of your letters of the 12th instant, in which you are so good as to return to me Lieutenant-Colonel Everett's and Mr. Eyres' dispatches respecting the recent attack by Koords upon the Rev. Mr. Knapp and Dr. Reynolds, resident near Bitlis. In doing so I beg to express to you how very highly I appreciate the message you have conveyed to me at the request of Mr. Frelinghuysen, the honorable Secretary of State of the United States, and to assure you that it has afforded me sincere satisfaction to have been able to assist in discovering, through the efforts of Her Majesty's consul at Erzroom and Her Majesty's vice-consul at Van the perpetrators of the recent outrage upon the above-mentioned citizens of the United States.

I remain, &c.,

HUGH W. WYNDHAM.

No. 573.

Mr. Wallace to Mr. Frelinghuysen.

No. 283.] LEGATION OF THE UNITED STATES,
Constantinople, October 3, 1883. (Received October 22.)

SIR: I have the honor to transmit to the Department a copy and translation of the reply of his highness the minister of foreign affairs to my communication, dated August 21, 1883, containing demands against the Sublime Porte in the affair of Dr. Pflaum.

It appears the questions presented are now under reference to the minister of justice, from which I infer that the Porte appreciates the violation of Article IV of the treaty of 1830.

I am, &c.,

LEW. WALLACE.

[Inclosure in No. 283.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, September 30, 1883.

Mr. ENVOY: I had the honor to receive the note your excellency was good enough to write me on the 21st of last August, relative to the affair of Dr. Pflaum.

While examining anew some of the circumstances of this much-to-be-regretted incident, your excellency adds that you consider that the points upon which my above-mentioned note does not give an explicit answer are admitted and established as proven. Your excellency will excuse me if I do not concur in the opinion which you have been pleased to express on this subject. As stated in my above said note, the explanations which I transmitted to the United States legation were based on information furnished the Sublime Porte by the authorities of the vilayet of Smyrna, and which, according to them, comprised *all* the circumstances of the case. Therefore the silence on the part of my department on the other points enumerated by your excellency, far from acknowledging their admissibility, gives, on the contrary, to understand that these points are the object of all our reserve.

Concerning the subject which forms the basis of the question, I have decided to submit the case to the appreciation of the imperial ministry of justice, and so soon as I shall have received an answer I will communicate it to your excellency.

Accept, &c.,

A. AARIFI.

No. 574.

Mr. Wallace to Mr. Frelinghuysen.

No. 287.] LEGATION OF THE UNITED STATES,
Constantinople, October 15, 1883. (Received November 6.)

SIR: I have the honor to report that the commission appointed for the petroleum concession is yet in existence, but making slow progress.

As to the result of its labors nothing can be yet said with certainty. From present appearances, however, I am looking forward to a compromise. We have covered the expenses of the concessionaire with 30 *paras* the case, and shown that at that rate he will derive a profit of 8 per cent. The commission will probably fix the dues of 55 or 60 *paras* the case, and to this, accepting your latest instructions, I will consent, upon condition that all petroleum from whatever quarter shall be required

to pay storage at the same rate, whether actually stored or not. My object in this will be to cut off the Russian advantage in selling from the decks of their ships, the effect of which, if continued, will be to handicap our product to an almost prohibitory degree.

I beg to add that I have explained this point to Mr. Heap, to whom the business will fall during my absence on leave, and requested him to conclude a compromise, if possible, upon the terms and conditions stated.

Very respectfully, &c.,

LEW. WALLACE.

No. 575.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 296.] LEGATION OF THE UNITED STATES,
Constantinople, October 31, 1883. (Received November 21.)

SIR: * * * I have the satisfaction of stating that I have reliable, although unofficial information that the *valis* of Bitlis and Van, who have caused so much complaint by their criminal connivance with the robbers infesting their districts, and particularly in connection with the attack on Messrs. Knapp and Reynolds, have been unanimously recommended for dismissal by the council of ministers. When other governors have been appointed our missionaries will have a better prospect of redress for the many wrongs they have sustained through the supineness, if not the ill-will, of the present authorities in Koordistan.

In this connection I beg to state that Lord Dufferin has, at my request, instructed Colonel Everett, Her Britannic Majesty's consul-general at Erzroom, to give our missionaries all the assistance they may desire.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

No. 576.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 298.] LEGATION OF THE UNITED STATES,
Constantinople, November 15, 1883. (Received December 4.)

SIR: I beg to refer you to General Wallace's dispatches, numbered 272 and 274, and dated the 7th and 12th of September last, respectively, in relation to the assault on Messrs. Reynolds and Knapp, American citizens, while traveling in the vilayet of Bitlis, Asia Minor, in May last.

It is unnecessary to dwell upon the gravity of this outrage, the details of which will be found in the communications referred to above, nor upon the fact that so far no redress has been obtained either from the authorities of Bitlis or from those of the capital.

The evil reputation of Arif Pasha, the governor-general of Bitlis, leaves little reason to hope that the robbers will be brought to punishment as long as he is maintained at that post, and although it is stated that his removal has been decided upon by the council of ministers, their report, unanimously signed, I am informed, has not yet received the approval of the Sultan.

At the urgent demand of our missionaries I requested the British ambassador to allow the English consuls in that portion of the Empire where we have no consular representatives to give such assistance to our citizens as they might need, and Lord Dufferin has informed me in reply that he considered the instructions he had sent to Colonel Everett, Her Majesty's consul-general at Erzroom, would enable him to give our missionaries the assistance they desired. I inclose a copy of Lord Dufferin's note, dated the 27th of October last, as well as of two communications I received from his lordship subsequently, dated the 5th and 7th instant respectively, which I venture to hope will make it evident that a note of the character of the one I addressed to Aarifi Pasha on the 12th instant, of which copy is inclosed, was not uncalled for, and that the demand for the trial of the criminals at Constantinople is not unreasonable.

As verbal communications with the officials of the Porte seldom lead to satisfactory results, I send this note by Mr. Garguilo, with a translation in French, to be read to the minister and left with him. * * *

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 298.]

Lord Dufferin to Mr. Heap.

THERAPIA, *October* 27, 1883.

MY DEAR MR. HEAP: I am informed unofficially that the ministry have recommended the dismissal both of the *vali* of Bitlis and of the *vali* of Van.

I have been looking through the instructions I have sent to our consul-general, Colonel Everett, and both Mr. Wyndham and I consider that they will enable him to give your missionaries the assistance they desire.

Yours, &c.,

DUFFERIN.

[Inclosure 2 in No. 298.]

Lord Dufferin to Mr. Heap.

THERAPIA, *November* 5, 1883.

SIR: I have the honor to inform you that I have received a telegram from Her Majesty's consul at Erzroom, stating that the governor-general at Bitlis has presented four men for Mr. Knapp's identification, and that he recognized a certain Moussa Bey as one of those who attacked him in May last.

I have, &c.,

DUFFERIN.

[Inclosure 3 in No. 298.]

Lord Dufferin to Mr. Heap.

THERAPIA, *November* 7, 1883.

SIR: With reference to the dispatch I addressed to you on the 5th instant, in which I informed you that Mr. Knapp had identified Moussa Bey as one of his assailants in the attack made upon him in May last, I have the honor to transmit to you here-

with, for your information, a dispatch which I have just received from Her Majesty's consul at Erzroom on this subject.

You will perceive from Colonel Everett's dispatch that it is considered that unless strong pressure is brought to bear upon the Sublime Porte there is very little chance that Moussa Bey will ever be brought to justice.

I have, &c.,

DUFFERIN.

[Inclosure.—Extract.]

Mr. Everett to Lord Dufferin.

ERZROOM, *October* 26, 1883.

MY LORD: On the receipt of Mr. Wyndham's dispatch of the 18th ultimo I wrote to Bitlis for information as to the effect produced there by General Wallace's representation to the Porte.

By the last mail I received a letter from Mr. Knapp, dated the 15th October, in which he tells me that the *vali* intimated to him that his case had been referred to Constantinople, and that Moussa Bey was to be summoned for his identification. "But," Mr. Knapp adds, "that promise has not been fulfilled, and my interpreter tells me that unless the pasha assures the bey that he will certainly escape punishment he will never come in response to any summons whatever. I have no hope, nor have any of my friends, that this pasha will ever do anything in this matter."

From the knowledge we possess of Arif's character, it may fairly be assumed that he will not do anything beyond asking a handsome present from Moussa Bey as the price of his inaction; but it is to be hoped that the United States minister will not allow the matter to drop.

I wish indeed that his excellency could see his way to obtain the dismissal of this official.

* * * * * * *

I have, &c.,

WILLIAM EVERETT,
Lieutenant-Colonel.

[Inclosure 4 in No. 298.]

Mr. Heap to Aarifi Pasha.

UNITED STATES LEGATION,
Constantinople, November 12, 1883.

HIGHNESS: I regret that I am again compelled to ask your highness's attention to the supineness or indifference, not to use a harsher term, of some of the imperial authorities in Asia Minor in the discharge of their duty of protecting from oppression and injustice American citizens residing in that region.

The Government of the United States has appointed no consuls to reside in the inland provinces of Turkey, confiding the safety and interests of their citizens residing in the interior to the integrity, sense of justice, and respect for treaties of the Turkish authorities. I have to state with deep regret that this confidence has received a rude shock.

Your highness is aware that two peaceable American citizens, while traveling on the 22d of May last, near the village of Ghusrie, in the region of Bitlis, were attacked by a band of highwaymen, and after being brutally maltreated and dangerously wounded were robbed of all their valuables. For the details of this outrage I beg to refer your highness to the dispatch of his excellency General Wallace, dated the 10th of September last.

Messrs. Reynolds and Knapp, the victims of this outrage, lost no time in laying their complaint before Arif Pasha, the *vali* of Bitlis, in whose district it occurred; but this functionary made no effort to secure the robbers, although they were well known to him both by reputation and by name.

Subsequently, in consequence of pressure brought to bear on Arif Pasha, the leader of the gang, Moussa Bey, who had cut Mr. Reynolds down and left him for dead, was, with reluctance, allowed to be confronted with Mr. Knapp, who identified him as one of their assailants. But even with this evidence of guilt Arif Pasha has not allowed Moussa Bey to be tried, and the very unenviable reputation of this *vali* gives cause

for apprehension that even if Moussa Bey is tried and found guilty he has already obtained from the pasha assurances of immunity from the consequences of his crime.

In this connection it is proper to state that this legation has official information that the disaffection or rather exasperation of every class and creed of the population in consequence of the rapacity and oppression of Arif Pasha, and his entire disregard of the rights of the people, is exceedingly great. The use of the telegraph has been denied to them and the mails have been rifled to prevent the grievous wrongs of the afflicted people of Bitlis from reaching His Majesty the Sultan.

But my object is not so much to show the unworthy character of Arif Pasha as to appeal to your highness to take such measures as in your wisdom you may consider best to secure the honor, the safety, and the interests of Americans residing within this *vali's* jurisdiction.

The imperial ministry of foreign affairs has, I am happy to say, given repeated assurances that this as well as other kindred complaints should receive prompt and fair consideration, but although these assurances gave evidence of the friendly feeling of the ministry, the legation is aware of no sensible progress in the settlement of these grievances. Some of these questions are of so unpleasant a character and have been so long pending in your highness's department that anxiety may well be felt that a longer delay in their settlement might give rise to claims of an embarrassing if not irritating nature.

I therefore respectfully and earnestly request that your highness will cause orders to be given that Moussa Bey and his accomplices be at once tried for their crimes, and if it be decided to maintain Arif Pasha at his present post, that the criminals be transferred to Constantinople for trial.

In the confident hope that these reasonable requests will be granted, I beg, &c.,

G. H. HEAP.

CORRESPONDENCE WITH THE LEGATION OF TURKEY AT WASHINGTON.

No. 577.

Aristarchi Bey to Mr. Frelinghuysen.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, November 25, 1882. (Received November 27.)

Mr. SECRETARY OF STATE: As you will be pleased to see, on reading the dispatch herewith inclosed in copy and dated the first of this month, the Sublime Porte, being desirous of affording an additional guarantee to the principle of order, contemplates interdicting the passage of the Straits of the Dardanelles and of the Black Sea to vessels carrying dynamite or other dangerous substances.

The imperial Government attaches an especial importance to this question and permits itself to count upon the benevolent concurrence of the Government of the United States in this relation.

Be pleased to accept, &c.,

G. D'ARISTARCHI.

[Inclosure.—Translation.]

Soïd Pasha to Aristarchi Bey.

SUBLIME PORTE,
Ministry of Foreign Affairs.

Mr. ENVOY: At this time, when the plots of anarchists and subversive ideas are visible in different parts of Europe under the most varied forms, and seem often to seek to defy the severest measures, a rigorous vigilance is imposed upon those whose mission it is to preserve order. Already several Governments, conscious of the perils

and obligations which flow from this situation, are seeking by all means a reaction against those whose action, although circumscribed within certain limits, may by successive steps invade states now far removed from the danger.

In this movement, which has been occasioned by such legitimate apprehensions, the imperial Government believes that it would fail in its duty if it did not for its part take the measures indicated by the circumstances.

A passive attitude on our part would be the less justifiable since the geographical position of the Empire imposes upon us obligations and precautions of an especial nature.

With these ideas in view, the passage through the Straits of the Dardanelles and the Black Sea of vessels laden with dynamite or other dangerous substances attracts above all our serious attention. The imperial Government has studied the question under all its phases; a long experience has led it to the conclusion that the interdiction set upon the entry into the Empire of such substances cannot be completely efficacious unless it be also forbidden to the vessels bearing them to traverse the straits.

It may, perhaps, be objected that this prohibition would constitute a measure implying a restriction of the treaties of commerce which stipulate the liberty of transit of goods destined for foreign countries. Such an objection, if it be raised, could not better be set aside than by a clear and precise affirmation of the intentions of the imperial Government. We have not the slightest intention to hamper commercial transactions; our aim is that, under cover of the freedom of transit, there be not committed abuses which might occasion the greatest dangers, and which, in any case, would subserve criminal projects. The extension of this freedom to articles prohibited in the Empire offers exactly the inconvenience which it is designed to set aside once for all in the general interest.

I have pleasure in hoping that the Cabinet of Washington, appreciating the controlling reasons which have prompted our course, will be pleased to consent that the passage of the Straits of the Dardanelles and of the Bosphorus be forbidden in future to vessels laden in transit with dynamite or other dangerous materials of a like nature.

Accept, &c.,

SAÏD.

No. 578.

Mr. Frelinghuysen to Aristarchi Bey.

DEPARTMENT OF STATE,
Washington, December 4, 1882.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, wherein you present certain reasons which lead your Government to ask that this Government, in common with other powers, consent to a general prohibition of the passage of the Dardanelles or the Black Sea by vessels carrying dynamite.

In the form in which the request is presented, this Government would not feel justified in giving this measure its unqualified sanction, inasmuch as it is founded not so much on the inherent danger to life and property of the explosives named while in transit as on the possible ulterior wish to which they may be put. I need scarcely adduce argument to show that such a course is tantamount to enlarging the international definition of contraband of war, and making the substances in question contraband also in time of peace. To this proposition the United States could not assent, either as a general principle or in its practical application to a class of explosives whose employment is widely extending in all operations of mining and tunneling, and which, rightly used, plays an important part in the internal development of the natural resources of nearly all countries.

If, however, the question presented were one of regulating the conveyance of a dangerous detonating or inflammable substance, so that its transit might be unaccompanied by peril to life, this Government could find no objection to such a course. Our own laws (sections 4472, 5353, and 5354 of the Revised Statutes) prohibit the carriage of such explosives

upon any vessel or vehicle whatever used for the conveyance of passengers to the United States or between the States and Territories; and section 5354 especially considers the death of any person when caused by the transit or attempted transit of such explosives as entailing upon the offenders the penalty for manslaughter. Our statutes, however, do not absolutely prohibit, but simply regulate the conveyance of explosives.

This Government will be happy to consider any scheme for the regulation of the conveyance of explosives through the straits of the Porte, and if it shall not appear that the rights of peaceful and legitimate commerce or of transit through waters by which the world's commerce must necessarily pass are interfered with or prohibited, your Government may rest assured that no objection will be made to the enforcement of such legislation.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

VENEZUELA.

No. 579.

Mr. Baker to Mr. Frelinghuysen.

No. 600.] LEGATION OF THE UNITED STATES,
Caracas, December 29, 1882. (Received January 15, 1883.)

SIR: Referring to your dispatch numbered 187, of date 22d ultimo, relative to the matter of the 30 per cent. additional duty, and also to my several earlier dispatches respecting the same matter, I herewith inclose, for your prompt information, a copy of a note, of date 28th instant, which I have addressed to Mr. Seijas on the same subject.

I took this note personally to the ministry of exterior relations on the 28th instant, intending not only to deliver it, but also to read it to Mr. Seijas, but finding that he was not in, I left the note at the ministry. I called again at the ministry this forenoon, and finding Mr. Seijas in, I drew his attention to the note, took it in hand, read the entire body of it to him, enforcing it by accompanying verbal remarks upon different parts of it, and at the close made a friendly and earnest request that he would bring it to the attention of the cabinet, which, in very fitting terms, I understood him to indicate that he would do to-day. I also made some strong and plain but equally friendly verbal remarks in general criticism of the law imposing the additional duty of 30 per cent. in question.

I respectfully draw your attention to the inclosed copy of my said note.

I am, &c., JEHU BAKER.

[Inclosure in No. 600.]

Mr. Baker to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, December 28, 1882.

SIR: Referring to the various conversations which I have heretofore had with your excellency relative to the injurious influence upon the commerce of the United States which si exerted by the additional duty of 30 per cent. imposed by the Government

of Venezuela upon commodities proceeding from foreign colonies to the ports of this country, or from Europe or the United States to the ports of this country, with transshipment in such colonies, I have now the honor to respectfully and earnestly invite your excellency's further attention to the same subject. This I do in that spirit of complete frankness and friendliness which should mark the intercourse between our respective countries.

I have recently received from my Government a further and important instruction respecting the subject in question; an instruction which, whilst manifesting the earnest and just interest which it takes in the matter as adversely affecting our commerce, is yet conceived in the friendliest spirit, and expressed in the friendliest terms towards Venezuela.

In reference to the urgent desire of a remedy for the existing state of things, the opinion is expressed in that instruction that the existing state of things is entirely inconsistent with "the building up of the intimate commercial relationship between the United States and Venezuela, which is so much to the interest of both countries." It is therein treated as "self-evident" that "through invoices of shipments, certified by the consuls of Venezuela in the United States and recertified by the like officers in the port of transshipment," would be a complete protection of Venezuela against irregular trade in respect to such shipments. It is added that "commerce by way of transshipment and transit is on many routes of international intercourse recognized as an indispensable fact, to be regulated and facilitated by judicious legislation." And, as showing the friendly confidence with which my Government deals with the matter, it is further added that "there is reason to believe that President Guzman Blanco is favorably disposed to obtain relief in this connection. That he should exhibit such a disposition is only natural, in view of the repeated evidences of friendship and esteem which his Government has shown towards ours, and which we have had pleasure in manifesting also in return."

The aforesaid instruction is accompanied by a copy of a communication addressed to the honorable Secretary of State by many prominent trading-houses of New York concerning "the great detriment brought to their trade" by the additional duty in question, and requesting the honorable Secretary to use his good offices with Venezuela in the premises. This communication proceeds from many New York houses "engaged," as the communication says, "in the shipping and the sale of American goods for and to the West India Islands and the importation into the United States of South American produce."

As coming from practical men, speaking of a practical matter, I regard this as an important document, and make a rather copious extract therefrom respecting the effect which the additional duty in question has exerted and is exerting upon the trade of the United States.

"The proximity of Venezuela to the British island of Trinidad, the Danish island of St. Thomas, and the Dutch island of Curaçoa, had made them, after years of careful work, very valuable points of indirect connection between the United States and Venezuela through the agency of former residents of those islands who subsequently established in the United States.

"By the establishment of the differential duties the direct trade of the United States with those islands and the indirect trade with Venezuela have suffered material detriment.

"Of the several sailing vessels that had been actively running between New York and said islands scarcely any remain in the line, and the steamers that formerly used to go every fortnight with full share of cargo for those ports, you hardly get enough freight to pay their continuing in the trade.

"While the business between New York and those islands is thus decreasing, the direct trade with Venezuela gets no proportionate increase in any but exclusively American products, such as flour, lard, kerosene, &c., or such articles as cannot be got from Europe, because the largest number of houses in Venezuela are European firms, which, engaged for years in business with European markets, import from these all other goods, such as cotton fabrics, machineries, agricultural implements, tinware, boots and shoes, candles, soaps, lamps, glassware, perfumeries, plated goods, clocks, watches, books, canned meats, preserved fruits, liquors, matches, jewelries, ropes, blocks, oars, and other ship chandlery articles, straw paper, writing paper, envelopes, wires, furniture, trunks, sewing-machines, and scores of other articles which it would be too long to enumerate, and in which the United States, in competition with Europe, had of recent years established very valuable indirect connection with Venezuela through those islands.

"In the like manner the United States used to export to those islands quantities of East Indian and Chinese goods from bonded warehouses here, such as rice, mattings, fire-crackers, cassia, &c., all of which those islands, through their established trade with the United States and the greater facilities to get the same from here than from Europe, used to import constantly from here to send to Venezuela. Said articles are now going from Europe to Venezuela.

"Further does the trade of New York suffer from the circumstance that a great portion of the Venezuelan products, which formerly were purchased by merchants of those islands for shipment to New York, are now taken by European houses in Venezuela for shipment to Europe owing to the lack of traffic between those islands and Venezuela."

Now, if I understand the foregoing, its meaning is, in short, that the practical operation of the additional duty in question is found to be that it not only acts injuriously against the trade of the United States, but that it actually *discriminates, in effect, against this trade*, by diverting a heretofore established part of it into European channels.

I am, of course, entirely convinced, as I am sure my Government is also, that no such motive was had in view by the Government of Venezuela when it established this additional duty. I am persuaded that the Government of Venezuela appreciates the important and fundamental principle of policy that the profound friendship of the United States for her sister republics of South America, taken in connection with her great relative proximity to the ports of Venezuela, and her vast, diversified, and rapidly growing resources for trade, make it at once the political and economical interest of Venezuela to build up, extend, and foster, her commercial relations with the United States, instead of embarrassing, curtailing, and crippling these relations, which last is clearly the practical effect of the measure imposing the 30 per cent. additional duty of which I write.

The general effect of this measure is harmful to the commerce of the United States; and its particular effect, in the same direction—by the way of operating as an artificial hardship upon the existing steam transit between Venezuela and the United States—is none the less so. Under the operation of the law imposing this additional duty, the line of steamers running between New York and the Venezuelan ports of Maracaibo, Puerto Cabello, and Laguayra, with stoppage at Curaçao, is very injuriously affected. The two deep-draft steamers of this line proceed from New York, via Curaçao, to Puerto Cabello and Laguayra. But, inasmuch as they are of too deep draft to approach Maracaibo, the company employs a shallower-draft steamer to fill out the line between Curaçao and that port. Nevertheless, I am advised that under the operation of the law in question no merchandise is sent from New York for Maracaibo by these steamers, although the line extends from the one port to the other. And I am further advised that under the operation of the same law the branch steamer plying between Maracaibo and Curaçao has been for months past *running in ballast* from the latter to the former port. It is easy to see that these operations have a direct tendency to break down the line.

The reason why the steamers in question carry no merchandise from New York for Maracaibo, and that the branch steamer runs without cargo from Curoçao to Maracaibo, is that the law in question does nor admit transshipment at Curaçao, not even so much as the transfer of goods from the deeper to the shallower draft steamers in open port without imposing the additional 30 per cent. of duty, which, of course, is prohibitive. And thus it is that the law imposing this additional duty has completely paralyzed this line of steamers to the extent of its entire movement of merchandise from New York to the important port of Maracaibo.

In view of the very great uses of lines of ocean steamers as instruments for the rapid diffusion of commerce, intelligence, and all the elements of civilization between nation and nation, I am convinced that your excellency will entirely agree that it should be an important part of the policy of every enlightened nation to carefully avoid inflicting artificial and unnecessary harm upon such lines, and whenever it may be discovered that this has been inadvertently done, to make prompt rectification of the unintended mischief.

I am myself a gratified witness to the great and beneficial change which has taken place in intercommunication between the United States and Venezuela during the time of my stay in this country—a change which is largely dependent upon the line of excellent steamers which has within that time been put in regular service between the great commercial emporium of the United States and several of the most important ports of this republic; and in view of the railway construction which, to all appearance, is now being successfully prosecuted upon an important scale in Venezuela, and of the natural tendency of this means of internal transit to promote social order and industrial development in a state, I, with pleasure anticipate the day, which ought not to be distant, when yet other and additional steamers will be needed to meet the growing demand arising from the still more extended and intimate commercial relations of the two countries—a consummation which I am confident your excellency and your excellency's Government will readily agree with me in regarding as alike beneficial to both nations.

Entertaining, as I do, such sentiments, and I am sure they reflect those of my Government—sentiments which are at once so just and so friendly towards Venezuela—it is with a feeling of pain that I observe, as I have pointed out, the untoward general effect of the law in question upon the commerce of the United States and its unto-

ward particular effect in the same direction by way of operating as an artificial hardship upon the existing steam transit between the two countries.

As I have already indicated, it is a matter of course that no such results were intended by the Government of Venezuela when it enacted the law. I am too well assured of the friendly feeling of this Government towards mine to entertain so much as a shadow of such a suspicion. Nevertheless, the results have followed and do exist. So complicated are commercial, fiscal, and economical affairs that the wisest legislator cannot always foresee all the important effects of a new law affecting these matters; and the experience of the world's legislation abounds in enactments for the modification or repeal of such laws to the end of remedying mischiefs or hardships which had unexpectedly flowed from them.

In view of the premises, and in full recognition of all the sovereign powers and rights of Venezuela, I respectfully, earnestly, and in the most friendly manner request, on behalf of the Government of the United States, that the Government of Venezuela will, at the earliest convenient time, consider the matters of injury and hardship which I have made statement of in this note, with a view to providing, in its own wisdom, a proper and adequate remedy therefor; and I assure your excellency that such action on the part of the Government of Venezuela, attended by a consummation so desirable, would be very pleasing to the Government of the United States.

I avail, &c.,

JEHU BAKER.

No. 580.

Mr. Frelinghuysen to Mr. Baker.

[Extract.]

No. 196.] DEPARTMENT OF STATE,
Washington, January 16, 1883.

SIR: Referring to the Department instruction of the 27th of September last, No. 183, relative to the claim of Mr. John E. Wheelock against the Government of Venezuela, and to your dispatch of the 7th ultimo in reply to that instruction, I desire to bring the subject again to your attention. The facts and circumstances which gave rise to this claim were brought to your notice in detail by the instruction of my predecessor, Mr. Evarts, of the 15th of October, 1880, No. 91, and it is unnecessary to do more than refer you to that instruction in regard to them. I fully concur in its suggestion, and, in view of the facts as they are before the Department and before your legation, find myself at no loss to account for the earnestness and urgency of the claimant in regard to its settlement. In a case like this, presenting, as it does, the clearest evidences of unusual cruelty and outrage to a citizen of the United States by a civil officer of the Venezuelan Government, in regard to which the Department has expressed itself so clearly, it is expected that you will, in the spirit of the instructions which you have received, exert your efforts with earnestness and energy to secure for the claim a prompt hearing and a reasonably speedy adjustment. You are the representative of this Government to that of Venezuela. Your residence at the capital of that republic affords you opportunities of almost daily intercourse with the minister of foreign relations. Opportune moments may be taken advantage of by you for calling his attention to the unusual and what may seem unnecessary delays in responding to your communications in matters intrusted to your care and attention by your own Government.

* * * * * * *

It is desired that you will give such attention to this claim as will secure for it an early adjustment and settlement by the Government of Venezuela.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 581.

Mr. Davis to Mr. Baker.

No. 199.] DEPARTMENT OF STATE
Washington, January 18, 1883.

SIR: Adverting to previous correspondence upon the subject, I have now to inclose for your information copy of a note from the British minister here, of the 15th instant, concerning the custody of ships' papers when in the ports of Venezuela.*

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 582.

Mr. Baker to Mr. Frelinghuysen.

No. 617.] LEGATION OF THE UNITED STATES,
Caracas, February 3, 1883. (Received February 20.)

SIR: Referring to my more recent dispatches * * * relative to the matter of the 30 per cent. additional duty, I have the honor to inclose herewith * * * a copy of Mr. Seijas's note, of date December 31 last, relative to the matter of the additional duty in question and the associated matter of a certain treaty between Venezuela and Great Britain, and in response to my note to him of the 28th of the same month relative to the same matter of additional duty, together with a copy of the translation, * * * a copy of my note to Mr. Seijas, of date 6th ultimo, in response to his of the 31st of December last, and printed copy of the decree of the 26 ultimo (as the same appears in the Gaceta Oficial of the 27th ultimo) modifying the law imposing the 30 per cent. additional duty, together with a translation.

It will be seen that this decree admits transshipment, and also disembarkation and re-embarkation, in foreign colonies, without the merchandise so transshipped, or disembarked or re-embarked, being considered as proceeding from such colonies, subject to the regulations provided for in the decree; and this is the practical result so far accomplished in the matter. It falls short of what I expected, * * * but it is a substantial move in the right direction.

I saw the President, in compliance with his invitation, on the evening of the 30th of December. On reflection, it seems sufficient to say that what he said is sufficiently indicated by the note of Mr. Seijas of the day following, written by the direction of the President to embody the substance of what he put forward in the interview. I committed my Government to nothing, and myself no further than is covered by the expression of a sentiment to the effect of my being spontaneously ready to aid Venezuela in her troubles as far as I could properly and rightly do so.

It will be seen that the note of Mr. Seijas invites some sort of assistance from the United States in connection with the matter of the treaty between Venezuela and Great Britain. In a subsequent interview with the President (on the 29th ultimo), to which I will further refer in its proper place, I suggested that an entire copy of the treaty had better be

* For inclosure see document No. 280, page 491.

I confine myself in this note to thanking your excellency, and through your excellency the Government of Venezuela, for the very prompt and obliging manner in which it has taken my note of the 28th ultimo into consideration, and to assuring your excellency that I shall, by the earliest opportunity and in a proper and friendly manner, bring your said note to the knowledge of my Government.

I avail, &c.,

JEHU BAKER.

[Inclosure 3 in No. 617.—Translation of decree.]

The President of the United States of Venezuela, using the power which article 2d, law 6th of the Code of Finance, concedes to him, in order to regulate the fiscal laws, with the affirmative vote of the federal council, decrees:

ART. 1. The fruits, merchandise, and effects which may come from the United States of North America, or from Europe, dispatched for Venezuela, with all the documents required by the law for the regimen of the custom-houses, may be transhipped in foreign colonies from vessel to vessel, in order to proceed to their destination, and will be considered as of direct precedency from the ports of their dispatch.

ART. 2. When for want of transports the aforesaid merchandise, fruits, and effects may have to be disembarked in foreign colonies, they may be re-embarked for Venezuela without being considered proceeding from them, their owners or consignees always presenting in the custom-house of the Republic where they may be imported, together with the consular documents of the port of the primitive procedence, a certificate of the Venezuelan consul in the colony, showing that they have been there deposited for want of vessels to proceed to their destination.

ART. 3. The dispositions contained in the anterior articles will take effect from the 15th of February next, henceforth.

ART. 4. The minister of finance is charged with the execution of this decree.

Signed, sealed, and countersigned in the federal palace at Caracas, on the 26th of January, 1883, year 19th of the law, and 24th of the federation.

GUZMAN BLANCO.

The minister of finance,

J. P. ROJAS PAUL.

No. 583.

Mr. Frelinghuysen to Mr. Baker.

No. 208.] DEPARTMENT OF STATE,
Washington, February 24, 1883.

SIR: I desire again to call attention to the claim of Mr. John E. Wheelock against the Government of Venezuela, and to inclose to you copy of a letter of the 14th instant, addressed by him to the Hon. William E. Robinson, of the House of Representatives, who has caused its reference hither.

The merits of Mr. Wheelock's claim have long since commended themselves to the Department, and have repeatedly been made the subject of positive instructions to you. It is unnecessary, therefore, to dwell upon the points of his case in the present instance; but it is sufficient to say that you should vigorously and earnestly press the matter to a satisfactory and equitable conclusion. The delay which has marked the treatment of this case seems almost unaccountable; and when its justice and the character of the outrage perpetrated upon Mr. Wheelock are considered, the excuse of the Venezuelan Government, after all the facts have been so fully presented to it, as they have in this matter, in not promptly awarding simple justice to an American citizen whom those authorities grossly outraged, appears all the more inexplicable, and amounts in effect, if not in fact, to little less than an absolute denial of justice. This Government is loath to believe that the traditional justice

In 1834 Venezuela, separated from the other Colombian sections from 1830, adopted and confirmed, word for word, the pact of 1825.

Well, now, this commences—"There will be *perpetual*, firm, and sincere friendship between the Republic and people of Colombia and the dominions and subjects of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs, and successors." This is the language of all treaties, and only serves to translate the actual intention of the parties, but so far is it from converting them into perpetual that they always contain an article restrictive of their duration.

Nevertheless, it was not put in that, and, being a thing indispensable to it, must refer the Article XIV, in which it is declared that the treaty lacks articles which, for want of time and the pressure of circumstances, could not then be drawn up with due perfection; that it would be suitable (convenient) that they should be proposed and added, in order the more to facilitate good correspondence between the two contracting parties, and to avoid, in the process of time, every class of difficulties; and it is convened that they will lend themselves, without the least possible delay, to treat and convene on the articles which are wanting, and which may be judged mutually advantageous.

On the 16th of February, 1866, Great Britain celebrated with the United States of Colombia a new treaty of friendship, commerce, and navigation, by the twenty-second article of which is substituted that of the old Colombia of 1825, and with the duration of only ten years.

Venezuela has requested an equal thing, or, at the least, that the treaty of 1825 and 1834 be additioned with an article specifying its terms, and it has been denied her, and the absurdity sustained that it is eternal because none were fixed.

To attribute perpetuity to stipulations on commerce, a matter so changeable, and which is touched by a multitude of internal laws, such as the fiscal, those of the customs, &c., would be equivalent to annihilating the sovereignty of a state. The change of circumstances has necessarily to exert an influence in modification of the obligations convened (*convenidas*) by treaty. Thus it is evidenced by the communication of his excellency Mr. Frelinghuysen to Lord Granville on the decrepitude (*caducidad*) of the Clayton-Bulwer treaty, to which neither was a term fixed.

In the treaty, with which it is aspired to replace the primitive one of 1825, the procedences* (*procedencias*) from the British colonies would be equalized with the procedences from the mother country (*metropoli*), by which the decree of differential duties would be abrogated. The cabinet of London esteems it now repugnant to the treaty which it calls perpetual; but that of Caracas sustains the contrary, among other reasons, for the very valid one that at the epoch of its celebration there existed, and afterwards continued for a long time, those same duties, first in Colombia and then in this Republic, without reclamation of Great Britain, they having been abolished by spontaneous act of the Congress of Venezuela.

On account of the justice which attends Venezuela in the question; on account of the manner in which she receives the friendly solicitation of the United States; and on account of the interest which, to them, the disagreements between the sister Republics and European nations have always merited, interposing their high influence and respect in favor of their satisfactory solution—as this same country has experienced before now, and experiences to-day with pleasure and gratitude—the illustrious American hopes that they may vouchsafe (*dignen*) to make some recommendatory intimation to Great Britain in order that she may accede to the reasonable desires of Venezuela.

Thus they have just done also for the sake of the Republic of Liberia, for the adjustment of her limits with the English establishments of Sierra Leone; thus in respect to the proscription of the Hebrew race in Russia.

He promises himself also that your excellency, for the sake of the adduced arguments, will desire to put in the balance the weight of your own judgment and very appreciable (*atendibles*) indications.

I renew, &c.,

RAFAEL SEIJAS.

[Inclosure 2 in No. 617.]

Mr. Baker to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, January 6, 1883.

SIR: I have the honor to acknowledge the receipt of your excellency's very friendly note of the 31st ultimo, relative to the matter of the additional duty of 30 per cent. and the associated matter of a certain treaty between Venezuela and Great Britain.

* This word is not yet in any of our English dictionaries, I presume, but I think it is a fit one.—J. B.

I confine myself in this note to thanking your excellency, and through your excellency the Government of Venezuela, for the very prompt and obliging manner in which it has taken my note of the 28th ultimo into consideration, and to assuring your excellency that I shall, by the earliest opportunity and in a proper and friendly manner, bring your said note to the knowledge of my Government.

I avail, &c.,

JEHU BAKER.

[Inclosure 3 in No. 617.—Translation of decree.]

The President of the United States of Venezuela, using the power which article 2d, law 6th of the Code of Finance, concedes to him, in order to regulate the fiscal laws, with the affirmative vote of the federal council, decrees:

ART. 1. The fruits, merchandise, and effects which may come from the United States of North America, or from Europe, dispatched for Venezuela, with all the documents required by the law for the regimen of the custom-houses, may be transshipped in foreign colonies from vessel to vessel, in order to proceed to their destination, and will be considered as of direct precedency from the ports of their dispatch.

ART. 2. When for want of transports the aforesaid merchandise, fruits, and effects may have to be disembarked in foreign colonies, they may be re-embarked for Venezuela without being considered proceeding from them, their owners or consignees always presenting in the custom-house of the Republic where they may be imported, together with the consular documents of the port of the primitive procedence, a certificate of the Venezuelan consul in the colony, showing that they have been there deposited for want of vessels to proceed to their destination.

ART. 3. The dispositions contained in the anterior articles will take effect from the 15th of February next, henceforth.

ART. 4. The minister of finance is charged with the execution of this decree.

Signed, sealed, and countersigned in the federal palace at Caracas, on the 26th of January, 1883, year 19th of the law, and 24th of the federation.

GUZMAN BLANCO.

The minister of finance,

J. P. ROJAS PAUL.

No. 583.

Mr. Frelinghuysen to Mr. Baker.

No. 208.] DEPARTMENT OF STATE,
Washington, February 24, 1883.

SIR: I desire again to call attention to the claim of Mr. John E. Wheelock against the Government of Venezuela, and to inclose to you copy of a letter of the 14th instant, addressed by him to the Hon. William E. Robinson, of the House of Representatives, who has caused its reference hither.

The merits of Mr. Wheelock's claim have long since commended themselves to the Department, and have repeatedly been made the subject of positive instructions to you. It is unnecessary, therefore, to dwell upon the points of his case in the present instance; but it is sufficient to say that you should vigorously and earnestly press the matter to a satisfactory and equitable conclusion. The delay which has marked the treatment of this case seems almost unaccountable; and when its justice and the character of the outrage perpetrated upon Mr. Wheelock are considered, the excuse of the Venezuelan Government, after all the facts have been so fully presented to it, as they have in this matter, in not promptly awarding simple justice to an American citizen whom those authorities grossly outraged, appears all the more inexplicable, and amounts in effect, if not in fact, to little less than an absolute denial of justice. This Government is loath to believe that the traditional justice

of that of Venezuela in according fair and honorable treatment of wrongs committed by its citizens upon foreigners would be lightly cast aside, and that the reparation due alike to Mr. Wheelock and to Venezuela's sense of international obligation should not be readily granted in the present meritorious case.

Without, therefore, waiting for a suitable or convenient opportunity to speak of Mr. Wheelock's outrage, you will at once upon the receipt of this instruction again present the subject to the minister for foreign affairs, strongly urging the desire of the President that this claim receive a prompt hearing and a speedy adjustment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 208.]

Mr. Wheelock to Mr. Robinson.

10 WILLOW STREET, BROOKLYN, N. Y.,
February 4, 1883.

(Referred to Department of State February 20.)

SIR: For more than three years I have sought in vain to have my Government procure some justice done me for the horrible outrage perpetrated upon me by a civil officer of the Venezuelan Government, which is fully set forth in the volume of Foreign Relations, 1880, pages 1028 and 1042. For two years the State Department has been demanding satisfaction for the outrage, and for the same length of time the Venezuelan Government has ignored the demand.

I most respectfully and earnestly request that you will take such measures in Congress as will secure me some compensation for a life that has been causelessly and wantonly ruined, both physically and morally. The "Foreign Relations" for the year 1880 contains the whole matter.

Very respectfully,

JOHN E. WHEELOCK.

Hon. WM. E. ROBINSON, *Washington, D. C.*

No. 584.

Mr. Frelinghuysen to Mr. Baker.

No. 210.] DEPARTMENT OF STATE,
Washington, March 10, 1883.

SIR: I have had the pleasure to receive your No. 617, of the 3d ultimo, reporting the action of the Venezuelan Government in relation to the 30 per cent. discriminating duty imposed upon imports from the United States transshipped at the West India Islands.

Upon the receipt of your dispatch I made communication of certain parts of it to Messrs. Boulton, Bliss & Dallet, who were considerably affected by such duty and who had frequently written to the Department upon the subject.

They were told that, so far as the Department was able to perceive, the present measures of the Venezuelan Government met the specific difficulty complained of, and that it was not seen how any more effective remedy could be obtained.

I have now the pleasure to inclose copy of their letter in reply appreciatively acknowledging the efforts of the Department and yourself respecting the matter.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 210.]

Messrs. Boulton, Bliss & Dallet to Mr. Frelinghuysen.

NEW YORK, *March* 6, 1883.

SIR: We have the honor to acknowledge the receipt of the communication from the Department of the 5th instant, advising us of the repeal of the decree of the Venezuelan Government imposing a discriminating duty of 30 per centum upon imports from the United States transshipped at the West India Islands, concerning which we have had the honor to address the Department, requesting its good offices to secure. We are also in receipt of the very interesting inclosures therein referred to.

We now respectfully and gratefully acknowledge the persistent and valued action of the Department in our behalf, which we feel assured could solely have obtained the repeal of the unfriendly act, and which entirely overcomes the difficulty complained of. Already the repeal of the decree has inured to the benefit of our line of steamships, enabling the steamship Valencia, dispatched on the 24th ultimo, to secure cargo for the port of Maracaibo, via Curaçao.

We have, &c.,

BOULTON, BLISS & DALLET.

No. 585.

Mr. Frelinghuysen to Mr. Baker.

No. 215.] DEPARTMENT OF STATE,
Washington, March 19, 1883.

SIR: Mr. John E. Wheelock has again brought to the attention of the Department his complaint against the Government of Venezuela, by a letter of the 22d ultimo, which he has addressed to the President, who has caused its reference hither. A copy of Mr. Wheelock's letter is herewith inclosed.

Considering all the circumstances of Mr. Wheelock's case, his impatience at the seeming unnecessary delay at its settlement is but natural. The Department's instruction to you, No. 208, of the 24th of February last, will have thoroughly acquainted you with its views upon the subject, and I need, therefore, only now remark that in carrying out that instruction you will exert every proper effort to immediately secure for Mr. Wheelock some measure of justice, which he and this Government have every reason to expect should be accorded by that of the Republic of Venezuela for so gross an outrage.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 215.]

Mr. Wheelock to the President.

10 WILLOW STREET, BROOKLYN, N. Y.,
February 22, 1883. (Received March 13.)

SIR: More than three years ago, while engaged in business in the Republic of Venezuela, I was the subject of a horrible outrage, probably exceeding in brutality any-

thing ever perpetrated upon a citizen of these United States, and which has permanently injured me both physically and mentally, and the particulars of which are fully set forth by Secretary Evarts in the volume of Foreign Relations, 1880, folio 1042, and partially in the inclosed slip from the New York Sun.

I have endeavored to obtain justice through the State Department at Washington, but the Venezuelan Government, which thinks only of enriching its members while in power, apparently treats with contempt all the requests of that Department. I most humbly and earnestly beg your excellency to request Congress to take such measures in the matter as may seem proper.

Your obedient servant,

JOHN E. WHEELOCK.

[Inclosure.—Extract from the New York Sun.]

A STORY FROM VENEZUELA.

John E. Wheelock, of 66 Willow street, Brooklyn, lately superintendent of the "Eureka" gold mine, in the Caratal mining district of the Republic of Venezuela, returned to his home on Wednesday last. He was thin and worn, though he was a robust man when he quitted his home; and he had but little use of his left arm and hand, but rest and plentiful fare have mended his appearance, and restored strength to his disabled arm.

He gives an account of almost unexampled ill-treatment on the part of Venezuelan authorities. "I am a native American," he said last evening. "I was born in Ithaca, and most of my relatives still live there. I am fond of adventure, and have had for years a fancy for mining. I have been connected with many mining companies in the United States and South America. I went to the Caratal mining district of Venezuela in 1876, and was much pleased with my experience there. I returned to the United States, but made several other visits to the mining district.

"I set out from New York to make my last visit in May. In the city of Bolivar, Venezuela, I was engaged by the company operating the Eureka mine, in the Caratal district, as superintendent of the mine. The company is composed of native Venezuelans and Italian merchants engaged in business in Bolivar. I reached the mine and began my work on July 1. On September 5 the working of the mine was suspended, the company concluding that the ore that the mine yielded was not rich enough to encourage them to continue work. I was paid off in full, and had about $800 in my possession. Giovanni Patroni was put in charge of the mine, the peons being discharged. Patroni invited me to spend several weeks with him before I set out for Bolivar, whence I proposed to sail for New York; Patroni was very friendly, and I became very confidential with him; I told him how much money I had, and showed it to him. I intended, as he knew, to set out for Bolivar on September 13. My baggage was packed and ready on the evening of the 12th.

"I got up early the next morning and drank coffee, the uniform habit in Venezuela, with Patroni. He was as bland as usual. I walked to Chili, a mining town about one mile from the Eureka mines, to make some parting visits. After I had made several visits, I was arrested in the street by General Sotillo, commissary of the district. He is a negro, and was attended by a guard of negro peons. My arms were tied behind my back, and General Sotillo and the escort began to march back to the Eureka mines. I asked one of the peons why I was arrested. He told me that I was charged with stealing $1,200 from a safe in Patroni's house. I was taken into the room in Patroni's house in which was the safe that I was charged with robbing. General Sotillo ordered that my baggage and the clothing that I wore be searched, but of course nothing but what was known to belong to me was found. Then Henry Smith, a negro, who has worked in the district for years, and is a British subject, was sent for to act as interpreter. Through him General Sotillo called upon me to tell where I had hidden Patroni's money. I averred my innocence, but General Sotillo, as I understood him, said that he would find out the hiding place of the money or do away with me. Patroni had been sitting beside the general, speaking excitedly to him in Spanish, but when the general expressed his intention towards me he went out. The general ordered that the rope be tightened about my arms, and then I was raised up until the rope passed over a peg in the wall. Then I was allowed to hang down in agony. I was frequently told by Smith, the interpreter, that the general would release me if I would tell where the money was hidden. As I could give no satisfactory answer I was taken down.

"But I was not allowed to escape from my tormentors. A rope was wound once round my chest, and then the ends were rolled upon pegs until I was raised from the floor. I cannot give an idea of the pain that I suffered. I could hardly breathe. I must have died of suffocation, but two of the peons, at a signal from the general, raised me up occasionally in their arms, and I recovered my breath. When I was

almost exhausted I was taken down and then forced to walk—my arms being still pinioned behind my back—about half a mile away from the house. Then, in a thicket, two slip-knots were made in a rope. A knot was put upon each of my bare ankles, and the rope being tied to two trees far apart, I hung head downward. I became dizzy and almost unconscious, and was then let down roughly to the ground; water was dashed in my face, and I recovered consciousness. The rope was taken from my ankles, my knees were bound together, and I was carried by four of the peons to the mouth of a 'prospect hole,' usually about sixty feet deep. The peons threw me down at the side of the hole, where I could look into it. I was told that unless I divulged the place of concealment of the money I should be cast headlong into the hole. I was utterly regardless of the danger, having suffered until I was almost crazed, and I begged them to throw me into the hole, so that I might die at once. When General Sotillo saw that the effect that he desired was not produced, he ordered that I be hung again by the ankles. This torture was repeated several times.

"General Sotillo came to the conclusion that he could extort no confession from me. I was then taken to the nearest jail and locked in a cell. Patroni offered to have me released and cleared if I would pay him $600. Three days afterward a magistrate of the district gave a hearing to my case. Patroni, with increased bitterness, probably due to my declination of his offer in my cell, pressed the charge against me, but I was discharged.

"I made a sworn statement before United States Consul Dalton, in Bolivar, and he drew up a communication and forwarded it to President Dalla Costa, at Venezuela. The President, who is a very well-informed and liberal gentleman, acted promptly. Here is a copy of the E Colaborador, the official organ, containing an order for the suspension of General Sotillo from office and imprison ment pending an investigation in regard to his treatment of me. I came to New York direct from the South, where I landed, and have retained ex-Congressman Elkins, formerly of New Mexico, to make an appeal to the State Department."

No. 586.

Mr. Frelinghuysen to Mr. Baker.

No. 216.] DEPARTMENT OF STATE,
Washington, March 23, 1883.

SIR: I forward herewith, for your information, the inclosed copy of a note* of the 10th instant from the British minister at this capital, in relation to the co-operation of Her Majesty's representative at Caracas with you, in addressing the Government of Venezuela upon the subject of the custody of ships' papers.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 587.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 657.] LEGATION OF THE UNITED STATES,
Caracas, March 29, 1883. (Received April 13.)

SIR: I inclose herewith a copy and translation of a verbal note of date 26th instant from Mr. Seijas, inviting me to a conference the next

* For inclosure see document 287, page 495.

day at 2 p. m. It happened that I saw Mr. Seijas on the afternoon of the 26th, before receiving the note. He alluded to having sent it, and indicated that the matter which he wished to see me about was the view which the President was taking as to the effect of the recent action of our Government respecting the awards of the Mixed Commission.

He presented the idea that the President was thinking of stopping the monthly payments; that he thought he was justified in doing so by the recent action of our Government, but I understood him to indicate that a determination was not reached. He asked me what I thought about it. I answered to the purport that I had no official information on the subject; that I did not know what the terms of the new act as passed were. He said he had official information that the act was, as I understood him, the same that passed the House of Representatives; and he reminded me that he had loaned me the Congressional Record containing it as it passed the House.

I further said to him, in substance, that his question was a delicate one; that, on the one hand, I did not like to ask Venezuela to do anything which was not her duty, and, on the other, my Government would expect me to be vigilant in guarding American interests; that I was not then prepared to say anything on the point; that I would examine the act in the Congressional Record. I said, moreover, that it was desirable that nothing should be done in the matter which would be displeasing to the Government of Washington—a sentiment in which I understood Mr. Seijas to concur.

* * * * * * *

I saw Mr. Seijas again on the 28th ultimo. The result of this interview was as follows: Mr. Seijas said the President had come to the resolution to stop the monthly payments, in view of the action of our Government in regard to the awards of the Mixed Commission; that it is the opinion of the President that the money already paid will be sufficient to pay all awards that are likely to be made under the new Commission, his reason being that the first awards were enlarged by corruption, and that he thinks this will not be repeated under the new Commission; and, moreover, that there are many claims which are quite groundless, and will be rejected.

Upon reminding him of the inquiry he had made of me at our previous interview respecting what I thought about the stopping of the monthly payments, he said he was waiting for my answer; whereupon I said to him that I thought the most prudent and proper course for me was to give the Government of Venezuela no answer, but to leave that question to my Government.

In our previous conversation I had understood Mr. Seijas to say something about placing the monthly payments on deposit. Upon reminding him of this, he indicated that I had misunderstood him, and that in stopping these payments his Government did not contemplate placing them on deposit.

I believe the foregoing will give you an accurate idea of the attitude of this Government in the premises of which I write, and the matter is left wholly to the consideration and judgment of the Department.

* * * * * * *

I am, &c.,

JEHU BAKER.

No. 588.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 659.] LEGATION OF THE UNITED STATES,
Caracas, March 29, 1883. (Received April 13.)

SIR: Referring to my dispatches relative to the case of Mr. John E. Wheelock, I have to say that having not yet received any further indication from Mr. Seijas respecting that case, in conversation with him on the 26th instant I drew his attention to his indication on the 27th ultimo that he would bring it before the cabinet as urgent business. He said he would write me about the case before the steamer leaves, meaning the steamer which leaves on the 30th instant.

Then, after making some suitable preliminary remarks, I read to him, distinctly and in full, your dispatch No. 206, of date 24th ultimo, which I had received the preceding day, Sunday, the 25th instant, and gave him a copy. After finishing the reading of the dispatch, I said to him that in conformity with that instruction I respectfully but earnestly requested and urged that this case be brought to a just conclusion as soon as possible. He said in reply that he would lay it before the Government next morning, which would be the morning of the 27th instant.

I am not aware what more I could do on this occasion, in execution of your instructions. As to my reading it to Mr. Seijas, and giving him a copy, it appears to me that that was proper, as being the most certain, unmistakable, and efficient means of advising this Government of the sense and urgency of ours respecting the matter in question.

Having written the foregoing, I arrested the finishing of this dispatch until the last moment, awaiting the note of Mr. Seijas. It has not arrived. * * *

I am, &c.,

JEHU BAKER.

No. 589.

Mr. Frelinghuysen to Mr. Baker.

[Extract.]

No. 219.] DEPARTMENT OF STATE,
Washington, April 17, 1883.

SIR: Your No. 657, of the 29th ultimo, has been received. You therein inform me of the decision of the Venezuelan Government to suspend the monthly payments on account of the late claims awards under the treaty of 1866, in view of the action of the Congress of the United States looking to a revival of the provisions of that treaty.

The inclosed copy of a note I have this day addressed to Señor Camacho will show you that this Government regards this action of Venezuela as premature, and in contravention of existing engagements.

So long as it shall be maintained, it will impede negotiation in the sense proposed by Congress. * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 219.]

Mr. Frelinghuysen to Mr. Camacho.

DEPARTMENT OF STATE,
Washington, April 17, 1883.

SIR: I have the honor to invite your attention to a recent step taken by your Government in connection with the awards of the late Mixed Commission.

The United States minister at Caracas informs me that he has been officially notified by the minister of foreign relations that it is the intention of the Government of Venezuela to suspend the payments of the monthly quota due to the United States on account of the awards under the treaty of 1866, pending the negotiation of an arrangement between the two countries for the revival of the general stipulations of that treaty and a re-examination of disputed awards.

I am surprised that such a step has been taken without consultation with this Government. Inasmuch as the existing compacts between the two countries remain effective until set aside by new conventional arrangements having like force and validity with the treaty of 1866, this Government must regard any action on the part of Venezuela to set aside its obligations thereunder as premature and as a violation of treaty engagements.

You are aware that many claimants whose awards have been recognized as just by your Government have for years been deprived of what was justly due to them by the action of your Government in impugning the good faith of certain other awards.

You are also aware that the payments of Venezuela to the United States have thus far fallen short of even the moderate rate of interest stipulated in the treaty.

It is of course impossible that any new arrangement which might now be entered into in virtue of the joint resolution of Congress of March 3, 1883, authorizing the President to propose to Venezuela the revival of the treaty of 1866, could be effected without recognizing the right of the claimants to receive both principal and interest on the awards hereafter found to be just, from the date of the original awards.

Any other arrangement would involve a hardship and wrong toward legitimate claimants to which this Government cannot be a party.

This Government has not yet proposed to that of Venezuela the negotiation authorized by the joint resolution. That resolution has not been officially communicated to your Government. It remains until such time as the President shall direct action thereunder a purely domestic act, and formulates merely the result of a consultation between the executive and legislative powers of this Government.

I cannot consent, therefore, that the Government of Venezuela should attempt to anticipate the results of a negotiation not yet opened.

It will facilitate the action of the President, contemplated by the resolution of March 3, 1883, if your Government resumes from the point where they have been broken off the monthly payments of Venezuela to the United States.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 590.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 669.] LEGATION OF THE UNITED STATES,
Caracas, April 21, 1883. (Received May 3.)

SIR: Referring to my No. 659, relative to the case of Mr. John E. Wheelock, I have to say that I have received a note from Mr. Seijas respecting that case. On going from the legation to my house between 6 and 7 on the evening of the 29th ultimo (the date of my said No. 659), I found that Mr. Seijas's note had been sent there late that evening, together with another note from him, relative to the claim on behalf of the "Venezuelan Steam Transportation Company." I at the time fully expected to send copies and translations of both by this mail; but the matter involved in each refers to one or two decrees, which, for full and accurate understanding, should accompany the one or the other, and

with this accompaniment I am not able to send either by this mail, but will surely send both by the next.

The aforesaid note of Mr. Seijas, respecting the Wheelock case, appears to me to offer small prospect of a spontaneous and direct agreement between the views of this Government and those indicated by the Department relative to this case.

Your dispatch numbered 215, respecting the same case, was received on the 17th instant. In conversation with Mr. Seijas, on the 18th instant, I told him I had received another strong dispatch from my Government relative to that case, and, reminding him of this in an interview with him to-day. * * *

I am, &c.,

JEHU BAKER.

No. 591.

Mr. Baker to Mr. Frelinghuysen.

No. 678.] LEGATION OF THE UNITED STATES,
Caracas, May 2, 1883. (Received May 16.)

SIR: Your dispatch numbered 219, of date 17th ultimo, relative to the recent action of this Government in suspending the monthly payments as reported in my No. 657, was received on Sunday, the 29th ultimo, together with the inclosure of a copy of a note of date 17th ultimo, addressed by you to Señor Camacho on the same subject.

On the forenoon of the 30th ultimo, I called upon Mr. Seijas, at the ministry of exterior relations, and read to him in full your said copy of note to Señor Camacho. After reading it, I inquired of him to the purport as to whether he had received from Señor Camacho a copy of the note in question, and he answered in the negative. I also remarked to to him in effect that this note of yours would advise him accurately as to the attitude of our Government in the premises. He made no significant remark respecting the matter, but requested a copy of the copy of the note I had read him, and I sent him a copy thereof the same day.

It seems too plain for question that what you had in this instance written to Señor Camacho was proper matter for me to communicate in the manner I did to Mr. Seijas. This course has advised this Government promptly and accurately of the position of the Department in the premises without going beyond or varying from the terms of your note to Señor Camacho. All further proceedings in the matter here will be duly reported.

I am, &c.,

JEHU BAKER.

No. 592.

Mr. Baker to Mr. Frelinghuysen.

No. 683.] LEGATION OF THE UNITED STATES,
Caracas, May 6, 1883. (Received May 16.)

SIR: Referring to my No. 669, of date 21st ultimo, relative to the case of Mr. John E. Wheelock, I inclose herewith—

1. A translation of a note from Mr. Seijas, of date March 29 last, relative to that case.

2. A translation of a report on the case from the ministry of interior relations to the minister of exterior relations, of date 28th of March last, which report was inclosed to me along with said note from Mr. Seijas.

I also send, as an accompaniment, a copy of the Gaceta Oficial, of date 20th ultimo, containing documents purporting to look to the capture of Eusebio Sotillo, charged with being the principal offender in the outrage perpetrated upon Mr. Wheelock.

It will be seen that Mr. Seijas, in his said note, refers to his note to me of the 23d of August, 1881, in which last he refers to two decrees, of date February 14, 1873, and to a resolution of date February 1, 1881.

For an adequate understanding of the position of this Government the inclosures herewith should be read and considered in connection with Mr. Seijas's said note of the 23d of August, 1881, and said two decrees and resolution.*

I draw special attention to that part of said report on the case from the ministry of interior relations, which I have translated as follows:

It results from this prompt action that Eusebio Sotillo, with some accomplices, was the author of the torments and outrages (*los tormentos i atropellos*) suffered by the North American citizen Wheelock.

Such is the reported result of the investigation of the matter ordered by the Government through its agent or representative, Dr. Ignacio Dugarte.

In view of the obvious meaning of this Government, as indicated by Mr. Seijas's present note and its reference to his note of August 23, 1881, I can but report the existing status and await further instructions from the Department.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 633.—Translation.]

Mr. Seijas to Mr. Baker.

CARACAS, *March* 29, 1873.

Mr. MINISTER: I have brought to the knowledge of my Government the conference which we had on Tuesday, the 26th of March, in which your excellency spoke to me of the earnest desire of the United States for a speedy and favorable settlement of the claim of Mr. J. E. Wheelock.

I requested a report on the subject from the ministry of the interior, and I hasten to inclose a copy of the same, which has been communicated to me.

Your excellency will thereby see that the Executive has made every effort to bring to trial the parties who were concerned in the outrages upon that citizen of the United States, and that his efforts have not been successful is due to the escape of the ex-commissary, Sotillo, who was the principal one of the guilty parties. This Government has been unable to effect his arrest, notwithstanding the requisitions sent for this purpose to the authorities of the localities whither it was presumed that he might have gone. The requisitions have been repeated, in order that the offender may be apprehended and sent to the place where he is to be tried.

Your excellency will thus see that the circumstance that nothing has been done in the case is due to the provisions of our laws, according to which an offender cannot be tried in his absence. That would be condemning him without a hearing, which is prohibited in this as it is in your excellency's country.

As to the rest, I must refer to what I stated at length to your excellency in my note of the 23d of August, 1881, which was designed to explain the reason why the President had not been able to entertain various claims presented to this ministry by your excellency's legation.

---

* Here added to this dispatch. See *post*.

Nothing could be farther from the intentions of this Government than to disregard the friendly representations of the United States, to which country Venezuela owes so much, and with whose wishes it always desires to comply. When it does not do so, this is due to the necessity under which it is of conforming its action to the requirements of the laws.

I renew, &c.,

RAFAEL SEIJAS.

[Inclosure 2 in No. 683.—Translation.]

REPORT OF THE MINISTRY OF INTERIOR RELATIONS.

No. 220.] MINISTRY OF THE INTERIOR,
ADMINISTRATIVE DIRECTION,
Caracas, March 28, 1883.

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to comply with your request, officially addressed, and to herewith transmit to you the information found among the archives of this department relative to the complaint and claim of the North American citizen, P.* E. Wheelock, for the outrages to which he declares he suffered at Caratal, in the jurisdiction of the old state of Guayana, now an integral part of the federal territory of Yuruari.

This affair being brought to the knowledge of the ministry under my charge, by order of the national Government, and through that department, in order to proceed to the investigation of the preferred complaint, and the punishment of the aggressors and accomplices, it was ordered in the first instance (*termino*) to send to Guayana, and so it was in fact, an advocate, Dr. Ignacio Dugarte, in the character of a national attorney-general (*fiscal nacional*), in order that, in representation of the Government of Venezuela, he might take part in the proceeding (*juicio*) raised by the citizen Wheelock.

This is stated in order to make manifest the zeal with which the President of the nation watches for the cause of justice, and for the individual guarantees and interests of foreigners who conduct themselves in Venezuela in a satisfactory manner.

Arrived at Guayana, the aforesaid advocate, attorney-general, acted personally in the aforesaid proceeding, and supported by the influence of the political authorities and the rectitude of the judicial employés, he practiced such opportune and legal diligence, they succeeded in putting in evidence the offense committed to all its circumstances, with its authors and accomplices.

He caused to review and construct *de novo* the commenced proceedings, examined for himself the proofs, asked the ratification of them, called new witnesses, reinterrogated those already examined, and caused a sketch of the localities in which the act was committed to be made, in order to better form a judgment and illustrate the matter.

It results from this prompt action that Eusebio Sotillo, with some accomplices, was the author of the torments and outrages suffered by the North American citizen, Wheelock.

The tribunal of instruction, on the petition of the national attorney-general, decreed the apprehension of Sotillo and of those complicated in his offense. Sotillo, warned undoubtedly of the punishment in store for him, escaped, although prompt measures were taken for imprisoning him; the necessary requisitions were delivered and published in the official publications.

As for the results of the proceeding, it is its legality which involves civil responsibility. The attorney-general prayed, the tribunal decreed it, and the end was accomplished, with all the formalities of the case—a precautionary attachment of the property and rights of property of the aggressor Sotillo—all of which appears in detail in the said judicial proceedings.

Ultimately the national Government has directed reiterated orders to the governors of the states to render up the fugitive Sotillo to prison, but till now, notwithstanding the interest displayed, his whereabouts have not yet been discovered.

This is all that is known of the process. It is necessarily paralyzed by the flight of the offender, inasmuch as the citizen minister will comprehend our laws do not permit full prosecution in criminal proceedings when the prosecuted is absent.

And finally, to terminate this report, I will inform you that the Government has recently reiterated its firm resolution to capture the offender and his accomplices.

God and federation.

SEIJAS.

---

* An error of one of the initials.—J. B.

[Inclosure 3 in No. 683.—Extract from the Gaceta of April 20, 1883.—Translation.]

UNITED STATES OF VENEZUELA, OFFICE OF THE EXECUTIVE OF THE STATE OF BERMUDEZ, ADMINISTRATIVE SECTION, TWENTIETH YEAR OF THE LAW AND TWENTY-FIFTH OF THE FEDERATION.

No. 110.] BARCELONA, *April* 10, 1883.

CITIZEN MINISTER OF INTERNAL RELATIONS: I have addressed a circular to the competent authorities of all the districts of this state, instructing them to make every effort to arrest Eusebio Sotillo, who escaped from the federal territory of Yuruari after having cruelly maltreated a North American citizen named John E. Wheelock.

I have the honor to communicate the above information in reply to your note of the 20th ultimo, and I assure you that I shall spare no pains to effect Sotillo's arrest, in case he is still within the limits of this state.

God and the federation.

PEDRO VALLENILLA.

(20th and 25th.)

UNITED STATES OF VENEZUELA, STATE OF FALCON,
OFFICE OF THE EXECUTIVE OF THE STATE,
Coro, April 10, 1883.

CITIZEN MINISTER OF INTERNAL RELATIONS: In pursuance of the contents of your official note of the 20th ultimo, the government of this state has issued the order of which a copy is herewith inclosed for the information of the national Executive.

God and the federation.

NICOLAS M. GIL.

(20th and 25th order.)

UNITED STATES OF VENEZUELA,
OFFICE OF THE EXECUTIVE OF THE STATE OF FALCON,
April 9, 1883.

Let the foregoing note be published in the Official Gazette, and let it be communicated to the district governors and to the supreme court of justice, to the end that they may instruct the officers in their respective jurisdictions to make the most earnest endeavors to effect the arrest of Eusebio Sotillo in case he may have taken refuge in this state; and when they shall have effected said arrest, let them deliver the accused to the executive of the state, so that he may take suitable action in the case. Let a copy of this order be transmitted, for the information of the national Executive, to the minister of internal relations, in reply to his note of the 20th ultimo.

NICOLAS M. GIL.
PEDRO TORRES, *Secretary.*

(20th and 25th.)

No. 370.] CITY OF CURA, *April* 13, 1883.

CITIZEN MINISTER OF INTERNAL RELATIONS, CARACAS: I have had the honor to receive your two notes of the 20th ultimo, whereby you reiterate to this government your request that it will endeavor to discover the whereabouts of the fugitive Eusebio Sotillo, who, according to information received by you, has taken refuge at Santa Maria de Ipire.

The present secretary of this Government, who filled the same office in that of Guárico in 1881, assures me that he made every possible effort at that time, by order of the executive of the state of Guzman-Blanco, to discover the whereabouts of Sotillo in Guárico, and that the latter could not be found in that territory.

I shall, as speedily as possible, in obedience to your renewed orders, send requisitions in every direction with a view of effecting the arrest of the delinquent.

God and the federation.

LEVERO GUILLEA.

[The following are the papers referred to in Mr. Seijas's note:]

Mr. Seijas to Mr. Baker.

[Translation.]

CARACAS, *August* 23, 1881.

Mr. MINISTER: Your excellency's communication was duly received at this ministry, together with copies of the documents upon which the captain of the schooner

Anna S. Murch bases his claim to the sum of $2,400 on account of damages suffered at the bar of Maracaibo, in January, 1879, owing to that vessel's not having been towed by the steamer Livingston, which had been assigned to that duty, but which left her there for thirty-five days, during which time the boards of her hull were destroyed by worms, so that new ones had to be procured. It is further stated that, owing to an insurrection, the authorities at Maracaibo employed the steamer in towing the vessels of their own squadron. The accompanying copies of documents are, 1st, a letter from Messrs. H. W. Lord to the honorable W. M. Evarts, Secretary of State; 2d, a statement of the damages which grew out of the schooner's detention and of the value of the new boards required; 3d, the protest entered at the commercial agency of the United States at Maracaibo. It is argued that the pilotage dues are paid to the Government; that it is not permitted to employ any other than Government pilots, and that the authorities of Zulia caused the delay.

It has been considered, on examination, that this is a case in which it is eminently proper to demand compensation, and, therefore, your excellency has been authorized to make it known, and to say that it is confidently hoped, in view of the circumstances, that an indemnity will be granted to the claimant for the losses and damages suffered by him.

From the statement made of the matter, it is inferred that this Republic is to be held responsible for the conduct of its officers; and that being the case, this Government directed that the claim be laid before the high federal court, so that by means of discussion, and of the evidence produced, that tribunal might decide on the merits of the case, and order or deny the payment by the national treasury of the amount claimed. The Executive is precluded by that law from taking cognizance of any foreign claims, of which notice was given in due time, and recently, by means of the resolution of the 1st of February of this year, which was inserted in the Official Gazette, and likewise in the report of this department to Congress in its recent session.

In order to show the necessity and the right with which the Republic has proceeded to establish such a law, I shall make some observations in regard to its clauses; and for the purpose of making them appear more acceptable to the United States, I shall employ no arguments that do not carry the weight of laws or treaties of that country, or of opinions and assertions of its high functionaries, especially the members of the Cabinet at Washington.

I beg to remark, in the first place, that this course, far from indicating any lack of disposition to secure the good opinion of friendly nations, gives evidence not only of the most sincere desire to do so, but also of a disposition to hesitate at no pecuniary sacrifice in order to secure that good opinion.

I must also add, that although I enter into explanations in treating solely of the observance of express laws, this is because, as the claimant is the Government of the United States, for which that of Venezuela entertains so much respect, and for which it desires to show the utmost deference, it has been thought proper to furnish a convincing demonstration of our reasons for not having done so on this occasion.

On the 14th of February, 1873, two decrees, which have since been in force, were issued. They were issued in virtue of the attributes of sovereignty of the State, and with the patriotic purpose to put an end to the inveterate abuses introduced in this branch. Here aliens have thought themselves exempted from the obligation to obey the laws, and whenever any act of authority has been exercised towards them (or else on some other pretext) they have presented claims to the executive branch of the Government, thus converting the same, for their convenience, into a tribunal in which there is no opponent, where proofs are not presented, appeals are not heard, and where none of the rules of practice are in use which are designed to secure wise decisions. The Executive has thereby deviated from the only path that the Constitution has marked out for him. Such has been the origin of the numerous and ever-recurring indemnities that have, by their enormous burden, oppressed the treasury of the Republic, besides causing infinite disagreements. It was necessary to oppose a dike to the torrent, and this was done.

The principal provisions of said decrees are, 1st, that which declares that foreigners have no right to have recourse to diplomatic interference except when, having exhausted all legal resources before the competent authorities, it clearly appears that justice has been denied or notable injustice committed; 2d, that which places foreigners on the same footing with Venezuelans in cases in which there is a right to ask for indemnity for losses or damages arising from war; 3d, that which disclaims the responsibility of the nation and of the states for damages or expropriations that have not been executed by legitimate authorities, acting in their public capacity; and, 4th, that which charges the federal treasury with the obligation to pay the damages, injury, or expropriations executed by national or state officers either in civil or foreign warfare or in time of peace, provided the claim be submitted to the high federal court, subject to certain proceedings.

The first principle was admitted by the United States as far back as February 22, 1792, and April 12, 1793. (Reports of Attorney-General Randolph in the case of Mr. Pagan, a British subject.) In the first he says that the custom of sovereigns is not to inter-

fere in the administration of justice until the foreign complainant has had recourse to the highest tribunal of the country; in the second, that it has been made a rule of justice not to interfere in suits of citizens before foreign courts, except in case of denial of justice, palpable and evident injustice, or violation of existing rules and forms.

The same principle has been carried so far that it extends to cases in which a citizen of one country has received offense from the Government of another, since even then, in order that the aggrieved party may be entitled to help from his own Government, he must have had recourse in vain to the courts of justice of the offending state, unless the latter, by the acts of its competent authorities, relieves such aggrieved party from the necessity of pursuing such a course. (Report of Attorney-General Akerman of December 28, 1871, on the contribution of two dollars for each passenger, which was exacted by the State of Panama.) The Attorney-General says that the object of such a rule is clearly to give the offending Government an opportunity of rendering justice to the aggrieved party in the regular way, and thus to avoid all occasion for international discussion.

On the 5th of July, 1837, Attorney-General B. F. Butler was consulted in reference to the case of two Frenchmen who had been subjected to certain acts of gross violence, one in his person and the other in his dwelling, and in whose behalf the French chargé d'affaires had solicited the interposition of the Federal Government. Mr. Butler replied as follows: "There can be no doubt that, in conformity with international law, and independently of treaty stipulations, subjects of a state with which the United States are at peace, who come to our territory and place themselves, with the consent of the General Government and that of the States, under the safeguard of our laws, have a right to be protected in their personal rights, the same as native citizens; and that it is the duty of the Executive of the United States, to whom the Constitution intrusts the care of our foreign relations, to take all the legal measures that may conduce to this end. Nevertheless, it is obvious, in view of the principles on which our institutions are based, and of their particular structure, that the attributes of the Federal Executive, in this respect, will, in most cases, be limited to the mere duty of seeing that the laws enacted by Congress in the matter be faithfully executed; and reparation can be obtained solely by means of the courts of justice, or, in cases that demand it, by special interposition of the law-making body." We here see not only a confirmation of the rule adopted in the decree, but also the only function that it is proper for the Executive to perform in cases of complaints on the part of foreigners; and, likewise, that the constitution of Venezuela is, with but trifling difference, modeled after that of the United States.

On the 9th of July, 1844, Attorney-General Nelson expressed the opinion that the invasion of the Texas custom-house by citizens of Arkansas, and the forcible removal of effects therefrom, did not constitute a basis for a claim against the United States Government.

In 1851, owing to a riot that took place in New Orleans against the consul of Spain, the Spanish flag, and the property of various Spanish subjects, indemnity was claimed in their favor. Mr. Webster agreed to grant it to the consul, but refused it to the other parties, saying: "The rights of a Spanish consul, a public officer residing here, under the protection of the United States, are entirely different from those of Spanish subjects who have come to this country to mingle among our citizens and to carry on their private business in our country. The former may claim a special indemnity; the latter are entitled to the protection which is due to our own citizens. Although the losses suffered by Spanish citizens are much to be regretted, still it is known that many American citizens have suffered similar losses from the same cause, and those private individuals, subjects of Her Catholic Majesty, who come of their own accord to reside in the United States, have certainly no cause of complaint if they are protected by the same law and by the same tribunals as the natives of the country." Diplomatic intervention on the part of the minister of Spain was thus rejected, and the Spanish Government accepted the rejection. Thus triumphed a sound principle as regards equality between foreign and native citizens.

In relation to this subject, Mr. Webster said on another occasion: "International law in no case grants to foreigners residing in a country privileges denied to its own citizens or subjects, except, perhaps, that of leaving such country."

On the 27th of September, 1866, Mr. Seward, then Secretary of State, wrote: "The principle is clear that a foreigner who settles in a country of his own choice accepts the conditions and obligations, both in peace and war, to which a native of that country is subject. No Government can be required to abandon its right of jurisdiction over all such persons in its territory, unless this abandonment has taken place by a special agreement, such as are all the treaties between Christian states and those states that profess Mohammedanism, or any other religion."

Yet not only as a rule of voluntary conduct, but also as a bilateral obligation, have the United States adopted this maxim. See article 27 of the treaty of September 6, 1870, between the United States and the Republic of Peru: "As a consequence

of the principle of equality established, in virtue of which the citizens of each of the contracting parties enjoy, in the territory of the other, the same rights as natives, and receive from the respective Governments the same protection for their persons and property, it is declared that there shall be no ground for diplomatic intervention, except in cases where such protection has been denied, where the legal authorities have failed to take the necessary steps to afford such protection, where they have acted with manifest injustice, and where the legal methods of redress have been exhausted."

The point examined has a close connection with the duty which is incumbent upon foreigners to obey the laws of the state which permits them to enter its territory and reside there. If, on the one hand, such an obligation exists, which is generally admitted, and, on the other, it is unquestionably the right of a country to enact, both in civil and criminal matters, such laws as it considers proper, it is quite unreasonable and unjust that foreigners should avoid the obligation of obeying the legislative enactments, or that they should be above them. The axiom has been several times recognized by the United States: for instance, in the case of Carlisle *vs.* The United States, it was established that "domiciled foreigners in the United States owe local and temporary submission to the Government of the United States; that they are bound, during their residence, to obey all the laws of the country not having immediate reference to citizenship, and that for the infraction of those laws they are subject to the same penalties as citizens."

Mr. Webster, in a report to the House of Representatives of his country, expressed himself thus: "But independently of residence with the intention to continue the same; independently of any acquisition of domicile; independently of the taking of an oath of fidelity or the renunciation of previous fidelity, it is well known that, according to public law, a foreigner, or born foreigner, while he continues within the dominions of a foreign Government, owes obedience to the laws of that Government, and may be punished for treason or other crimes, the same as a native subject, unless some other provision is made by treaty stipulations; but this duty of obedience to the laws, arising from local and temporary submission, ceases, as a matter of course, the moment he returns to his native country. * * * But, as has already been remarked, every foreigner residing in a country owes fidelity to that country and obedience to its laws while residing there, as a duty which is made incumbent upon him by the mere fact of his residence, and of the temporary protection that he enjoys, and is as much obliged to obey its laws as are its native subjects or citizens. This is the universal understanding in all civilized states, and it is a doctrine nowhere better established than in this country."

The same recognition is evident from the treaties concluded between Colombia and the United States October 3, 1824, articles 3, 10, and 11, and between Venezuela and the United States January 20, 1836, articles 3, 13, and 14, and on the 27th of August, 1860, articles 3 and 4. The doctrine of the exclusive right of each state to legislate within its own limits in regard to personal rights, and to the status and civil condition of its citizens, and with respect to all the personal and real property situated in its territory, and the doctrine that all persons within the limits of a state are entitled to the same usage as the subjects of such state, whether their residence be permanent or transient, are conclusively established by the following American publicists: Kent, 2 Lectures; Wheaton, chap. 2, part 2; Halleck, chap. 7; Woolsey, § 66; and Field, article 356. Noteworthy are the remarks of Attorney-General Cushing, written May 27, 1855, in reference to a claim of Peru which was based on the stranding of the bark Eliza through the want of skill or the carelessness of a pilot. That learned lawyer therein showed the irresponsibility of the United States in that case, the competence of the courts to take cognizance of it without any assumption of suretyship on the part of the Government, the right of regulating the condition of foreigners and of compelling them to obey its laws, and the expediency of returning to the observance of those rules of international law with the Spanish-American nations, with respect to which "Great Britain, France, and the United States have each assumed, on various occasions, rights of interference in behalf of their subject or citizens in those countries which not one of us would tolerate in our own country, in some cases through necessity, and in others with very doubtful discretion or justice. This has greatly aggravated the evils of misgovernment there, as will palpably appear from careful study of the internal condition of the South American Republics."

With regard to the second rule, which establishes equality between foreigners and Venezuelans in cases in which the right exists to ask indemnity for losses or damages caused by war, it is but the result of that equal footing on which both should stand, in the example to which the law has reference, and is in harmony with that precept of international law according to which a foreigner residing in the country of a belligerent can lay no claim to indemnity for losses of property occasioned by the acts of war of another belligerent, as Attorney-General Stanbery opined in the case of Wheelwright *et al.*, American merchants domiciled at Valparaiso, when the bombard-

ment of that city by the Spanish fleet, in May, 1866, took place, according to the precedents created by the cases of San Juan de Nicaragua and that of Copenhagen.

For the third rule, which excludes responsibility on account of acts of illegitimate authorities, no better support can be found than the 14th amendment to the Constitution of the United States, which, under number 4, is as follows: "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void."

In consequence of this amendment, the United States have refused to entertain French claims growing out of damages committed by the so-called Southern Confederates, and the utmost that has been admitted by them is their responsibility for acts committed during a state of war or insurrection by their own civil or military authorities. Thus it is stipulated in the convention concluded by both parties January 15, 1880, in reference to which the minister of foreign affairs of France, on laying it before the Legislative Chambers, said: "As regards damages resulting from the war for secession, we should have been very glad if the convention could have been made applicable to destructive acts committed by the so-called confederates, as well as to those committed by the Federal authorities. A system of jurisprudence, however, has long existed in the United States behind which the American Government has intrenched itself for the purpose of rejecting all such demands, and our efforts have been met by a resolute attitude which has declined all further discussion on this subject."

The making of the federal treasury responsible for seizures or damages committed by national or state officers is an act of generosity on the part of the Republic. Vattel, in examining how far the state is responsible for acts of its citizens, shows that it cannot be held responsible for the acts of private persons, unless it has approved or ratified them, or refused the means of obtaining justice to the aggrieved party. That the same should be decided when the perpetrator of the injury is a national officer is established by Calvo in the following words:

"Within the jurisdictional limits of a country all representatives of authority are personally responsible in the degree established by the internal public law of each state. When they are derelict in the performance of their duties, exceed their powers, or violate the law, they create, according to circumstances, for those whose rights have been violated, a legal means of redress by administrative or judicial procedure; but as regards third parties, whether native or foreign, the responsibility of the Government that has appointed them remains a purely moral one, and it cannot be made direct and effective except in cases of complicity or manifest denial of justice."

Calvo expounds another system of jurisprudence when he discusses the same point in relation to acts performed in foreign countries, having a really national character, and imputable to representatives, officers, delegates of public force, or others. He thinks, however, that even then a Government may disclaim responsibility for the acts of its agents, when it expressly disavows such acts and furnishes proof that it has not authorized them. He adds that in such a case the Government is obliged to make amends for the injury done, and to punish the party who has committed it.

The opinion of Attorney-General Cushing has already been cited, according to which the United States were not responsible to a citizen of Peru for the loss of the bark Eliza, although that loss was due to the want of skill or carelessness of one of the pilots, who were incorporated into an association by the laws of California. That profound lawyer said: "Governments consider themselves responsible to individuals for damages occasioned to them by public officers in the collection of the revenue or other administrative acts ordered by the Government, but not for errors of opinion, or even for corruption of administrative, judicial, or ministerial officers, when such officers are administering their public authority for the benefit of individuals as contradistinguished from the Government."

The same Mr. Cushing, in the case of a United States consul who had improperly ordered the sale of a vessel in a foreign port, was of opinion that the United States were not responsible for the loss arising from the illegal reception of money by consuls, or for any other act performed by them in violation of their duties, unless when such money had been used for the benefit of the Republic.

In view of these precedents, Attorney-General Akerman decided that the Government of Brazil was not responsible to a citizen of the United States for the corruption of a municipal judge of the Empire in the authentication and rectification of the report of a number of surveyors of a damaged vessel, even should the charge be proved.

I cannot pass over the following precedent in support of what I have said: In 1868 the Government at Washington appointed a commission to examine the pecuniary claims preferred by American and foreign citizens which were based upon losses or acts of spoliation suffered during the civil war at the hands of the Federal authori-

ART. 10. No action shall be brought to obtain indemnity for the damages, injuries, or seizures of property referred to in this law if two years shall have elapsed since such damages, &c., were committed.

ART. 11. All persons who, not being in a public capacity, shall order contributions or forced loans, or who shall commit acts of spoliation of any kind, as also the persons executing such orders, shall be responsible, directly and personally, in their property, to the injured party.

ART. 12. In these trials the law shall be followed which regulates the proceedings of the high federal court.

ART. 13. The law of March 6, 1854, concerning indemnification to foreigners, is hereby repealed.

Done at Caracas, this 14th day of February, 1873.

GUZMAN-BLANCO.

The minister of foreign relations,

D. B. BÁRRIOS.

[1820.]

Decree of the 14th of February, 1873, declaring the duties and rights of foreigners, and relating to the law of 1869, No. 1691.

[Translation.]

I, Antonio Guzman-Blanco, provisional President of the Republic and general-in-chief of its armies, in the exercise of the powers which the congress of plenipotentiaries of the states in session at Valencia, by resolution of July 12, 1870, conferred upon me, do hereby decree:

ARTICLE 1. Foreigners shall enjoy in the territory of Venezuela the same civil rights as Venezuelans, without any limitation save those established in the constitution and those which are provided for by special laws.

ART. 2. The following foreigners shall be considered as domiciled for the purposes of this law:

(1.) Those who have acquired a domicile in accordance with the provisions of the civil code.

(2.) Those who have declared to the governor of the federal district, or to the president of any one of the states, the intention of becoming domiciled in the country.

(3.) Those who have resided in the territory voluntarily and without interruption for more than two years, and not in any diplomatic or consular capacity.

(4.) Those who have purchased landed property in the territory of the union and are actually in the country.

(5.) Those who reside in the territory for commercial purposes or for the transaction of their business, having an established house, although they may fill a consular position.

ART. 3. Domiciled foreigners shall be subject to the same obligations as Venezuelans as regards their persons and property. They shall not, however, be obliged either to perform military service or to pay forced and extraordinary war contributions in case of internal disturbances.

ART. 4. Foreigners taking part in the domestic contests of Venezuelans shall lose their character as identified with native citizens as regards the discharge of the obligations resulting from a state of war, both in relation to their persons and property.

ART. 5. Neither domiciled nor transient foreigners shall have the right to seek redress, diplomatically, except when, having exhausted all legal resources before the competent authorities, it shall clearly appear that there has been a denial of justice, or notorious injustice.

ART. 6. Foreigners shall not have the right to ask indemnification from the Government for the losses or damages resulting from war, &c., except in the cases in which natives of Venezuela have said right.

ART. 7. The provisions of this law shall not affect the stipulations of public treaties.

ART. 8. The presidents of the states, and the governor of the federal district, shall, immediately after the promulgation of this law, form a list of the foreigners domiciled in the territory under their jurisdiction, and shall transmit the same to the ministry of foreign relations.

Done at Caracas, this 14th of February, 1873.

GUSMAN-BLANCO.

The minister of foreign relations,

D. B. BÁRRIOS.

I will say, in conclusion, that claims have constituted a real calamity in the Spanish-American republics, not only subjecting them to the displeasure of powerful states, but compelling them to undergo humiliation and immense pecuniary sacrifices. In May, 1880, Venezuela's debt on account of claims amounted to nearly $5,000,000. From the debt due to France the present difficulties with that power have arisen. It is impossible for these republics to prosper and progress while these obstacles exist. Their efforts must, therefore, be directed to overcoming them. This is the explanation of the Venezuela laws of February 14, 1873, which have been analyzed; of the decrees and circulars of Peru of 1846, of February 4 and 24, 1857, of January 25, 1859, and December 16, 1877; of the law of the United States of Colombia concerning the rights and duties of foreigners; of the law enacted by Ecuador of November 3, 1880; of articles 14 and 23 of the new constitution adopted by Guatemala in 1879, &c.

The illustrious American, President of the United States of Venezuela, hopes that his excellency the President of the United States of North America will see in the foregoing remarks the serious obstacles which have prevented this ministry from acceding to the demands of the United States legation in favor of certain American citizens, notwithstanding the friendly disposition of this Republic towards that country, its desire to act in compliance with the wishes of the United States Government, and its earnest purpose to cement the relations existing between the two countries on the most solid basis.

I renew, &c.,

RAFAEL SEIJAS.

[1818.]

Decree of the 14th of February, 1873, abrogating the decree of 1854 (No. 864), relative to the indemnification of foreigners, and related to the law of 1869 (No. 1684).

[Translation.]

I, Antonio Guzman-Blanco, provisional President of the Republic, and general-in-chief of its armies, in the exercise of the powers which the congress of plenipotentiaries of the states in session at Valencia conferred upon me by its resolution of July 12, 1870, do hereby decree as follows:

ARTICLE 1. Persons preferring claims against the nation, whether natives or foreigners, on account of damages, injuries, or seizures by national or state officers, either in civil or international war, or in time of peace, shall do so in the manner established by the present law.

ART. 2. The claim shall be made by a formal application to the high federal court.

ART. 3. To such trials shall be summoned, in addition to the representative of the nation, the officer who is charged with having committed the acts, and the state to which such officer belongs.

ART. 4. Before the trial of the case the court shall cause to be published in some newspaper, at the expense of the claimant, an abstract of the demand, in which shall be stated the acts and other grounds on which the claim is based, the name, surname, domicile, and profession of the claimant, and the amount claimed. This abstract shall be signed by the clerk of the court.

ART. 5. In these trials oral testimony shall not be admitted, except in case it shall be proved that the officer who caused the damage or made the seizure refuses to give the proper written evidence, or when it shall evidently appear from the nature and circumstances of the case that it is wholly impossible to obtain such evidence.

ART. 6. The court may order the collection of such evidence as it may deem conducive to the elicitation of the truth, either on petition of the parties, or of any other person, or officially.

ART. 7. The nation shall have the right to be reimbursed by the responsible officer, or by the state to which such officer belonged when the offense was committed, for any sum that may be paid by the national treasury in virtue of condemnatory judgment.

ART. 8. Any claimant that shall manifestly appear to have exaggerated the amount of the damages claimed shall forfeit any right that he may have, and shall be liable to a fine of from 500 to 3,000 *venezolanos*, or to imprisonment for from three to twelve months. If it shall appear that the claim is wholly fraudulent, the guilty party shall be liable to a fine of from 1,000 to 5,000 *venezolanos*, or to imprisonment for from six to twenty-four months.

ART. 9. In no case can it be claimed that the nation or the states are bound to grant indemnity for damages, injuries, or seizures that have not been executed by legally competent authorities, acting in their public capacity.

[Inclosure in No. 686.]

MEMORANDUM RESPECTING THE MATTER OF THE CUSTODY OF FOREIGN SHIPS' PAPERS WHILE IN THE PORTS OF VENEZUELA.

CARACAS, *May* 10, 1883.

Mr. Baker has the honor to very politely and respectfully recall the attention of his excellency Mr. Seijas to the matter of the custody of foreign ships' papers while in the ports of Venezuela, concerning which matter Mr. Baker has heretofore had several friendly conferences with Mr. Seijas, and one with his Excellency, General Guzman Blanco, President of the Republic, leading up to a friendly suggestion or request of the President that Mr. Baker would obtain from his Government a statement of the reason why a change respecting the matter in question is desired, in order that he might present it in his next message to Congress.

Mr. Baker has consequently been advised by his Government of the grounds on which a strong friendly desire is felt by it for a change in the premises; and he has been instructed to present to his Excellency General Guzman Blanco a succinct memorandum founded thereon.

Mr Baker is advised by his Government that his Excellency the President of the Republic "should be disabused of any impression he may have formed that the matter is brought up as an innovation," that "it has for more than fifty years been the occasion of discussion and remonstrance with various nations of Spanish America," and that if it be now revived in connection with Venezuela it is because it seems necessary to the best interests of both countries that an anomalous practice should not exist between them in this respect."

In view of the friendly attitude of the President of the Republic towards the matter in question, Mr. Baker will limit himself to a simple and brief statement of the grounds on which it is deemed that it would be advantageous to both countries if Venezuela should find it right in the exercise of her sovereign powers to concur in the friendly views of the United States respecting the subject-matter; and Mr. Baker believes that these grounds are so strong in their bare statement that they will at once arrest the favorable attention of the President.

1. It is eminently desirable that there should be agreement and harmony between all the republics of the western hemisphere in regard to the great general rules which they resort to in dealing with each other's ships; and indeed it is alike desirable that a similar harmony of usage should prevail between all the nations of the civilized world. The basis of such harmony should be the general opinion and usage of civilized nations.

Now: "The law of the United States following the usage of most civilized countries provides that the custody of the papers of foreign ships shall rest with the consuls of their nations" except as to such foreign nations as do not reciprocate this provision. The law of the United States being thus in accord with the general practice of civilized nations, rests upon a very broad and solid foundation of public usage, not applicable to the United States only, but adopted and practiced by most civilized countries, and applicable with equal force of reason to all the rest.

2. "In the second place, apart from considerations of reciprocity founded on treaty, the sacredness of the principles of reciprocity as an enduring basis of international intercourse under the law of nations may be forcibly invoked" in support of the same position. "A vessel under a civilized flag on the high seas or in a foreign port possesses a national life of which its papers are the strongest evidence. They are to all intents a part of the vessel itself. To assume that by the act of entering a friendly port, a vessel is to be stripped of that which is in a large measure essential to the proof of its nationality, and to await the pleasure of a local foreign officer before such part of its life can be restored to it, is inconsistent with international principles and usage." Hence it is found "that the custom of nations (with but few exceptions in the Spanish-American ports of South America), recognizes the consul of the vessel's nationality as the sole guardian of all national right appertaining thereto." The exceptions referred to "are happily growing fewer," and, inasmuch as they are in contravention of the general usage of nations, they cannot be regarded as resting on any "broad principle of comity," but on the contrary must be regarded as violating comity. "The register is the evidence of the ship's nationality, and as such, with the ship itself, are properly within the continuous jurisdiction of the vessel's nation, and, therefore, in a foreign port, within the jurisdiction of the consul of that nation."

3. "In the next place, a conclusive reason for the custody of ships' papers by the consul of her nation is found in the necessity of preventing frauds against individuals in connection with marine survey repairs, bottomry bonds, the right of absent owners, &c., and protection of the rights of seamen. It is for these purposes that the legislation of nations provides that the register of a vessel while in port shall pass out of the control of her commander and into the custody of the consul. It is not at all necessary that these diversified rights should be subservient to the local police

[Translation.]

UNITED STATES OF VENEZUELA,
MINISTRY OF FOREIGN RELATIONS,
Caracas, February 1, 1881.

Resolved: The illustrious American, President of the Republic, who, for a long time, has been laboring for the elucidation of its rights in its foreign relations, and who, from the many and important concessions made by him, in proof of friendship and good will, hoped that he would be aided in putting sound principles into practice, regrets to observe that forgetfulness of such principles on the part of certain foreigners still continues. Since they insist on disregarding the legal methods of redress, and on laying their complaints before the executive diplomatically, as if there were no tribunals of justice, and as if the executive had power to order the payment of indemnities, whereas according to the law of February 14, 1873, the high federal court alone has power to decide claims growing out of damages, injuries, or expropriations committed either by federal or state officers; therefore, I declare: That claims not presented in the manner required by law will hereafter be disregarded.

Let it be published.

By the national executive:

PEDRO J. SAAVEDRA.

No. 593.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 686.] LEGATION OF THE UNITED STATES,
Caracas, May 11, 1883. (Received June 6.)

SIR: Referring to my No. 570, and to your dispatch numbered 190—all relative to the custody of ships' papers—I have to say that, after giving the matter careful and attentive consideration, I prepared a memorandum thereon, of date 10th instant, based—as fully and accurately as might be—on what you say in your said dispatch numbered 190. This memorandum I personally took to Mr. Seijas on the 10th instant. I read it to him in full; made some verbal remarks in explanation or enforcement of it; bespoke his attention to it; and commended it to the candid and just consideration of the President. Mr. Seijas said he would urge it upon the President.

I send a copy of said memorandum as an inclosure herewith, and draw your attention thereto *in extenso*. I gave a copy of it on the 10th instant to Colonel Mansfield, the British minister at this capital, and to-day I sent a copy of it to Mr. Pyer, the German minister. Colonel Mansfield has an instruction from his Government relative to the matter, as now moved by our Government, but Mr. Pyer has not, as I understand from him.

* * * * * * *

You will see, by consulting the 5th head of my memorandum, that the existing law of Venezuela, in relation to her own consular officers abroad, recognizes the principle that ships' papers in a foreign port should be in the custody of their respective nations' consular officers.

I trust you will find my memorandum sufficiently full, clear, and strong, and I have a good hope that the desired reform respecting the custody of foreign ships' papers in the ports of Venezuela will be effected.

I am, &c.,

JEHU BAKER.

[Inclosure in No. 686.]

MEMORANDUM RESPECTING THE MATTER OF THE CUSTODY OF FOREIGN SHIPS' PAPERS WHILE IN THE PORTS OF VENEZUELA.

CARACAS, *May* 10, 1883.

Mr. Baker has the honor to very politely and respectfully recall the attention of his excellency Mr. Seijas to the matter of the custody of foreign ships' papers while in the ports of Venezuela, concerning which matter Mr. Baker has heretofore had several friendly conferences with Mr. Seijas, and one with his Excellency, General Guzman Blanco, President of the Republic, leading up to a friendly suggestion or request of the President that Mr. Baker would obtain from his Government a statement of the reason why a change respecting the matter in question is desired, in order that he might present it in his next message to Congress.

Mr. Baker has consequently been advised by his Government of the grounds on which a strong friendly desire is felt by it for a change in the premises; and he has been instructed to present to his Excellency General Guzman Blanco a succinct memorandum founded thereon.

Mr Baker is advised by his Government that his Excellency the President of the Republic "should be disabused of any impression he may have formed that the matter is brought up as an innovation," that "it has for more than fifty years been the occasion of discussion and remonstrance with various nations of Spanish America," and that if it be now revived in connection with Venezuela it is because it seems necessary to the best interests of both countries that an anomalous practice should not exist between them in this respect."

In view of the friendly attitude of the President of the Republic towards the matter in question, Mr. Baker will limit himself to a simple and brief statement of the grounds on which it is deemed that it would be advantageous to both countries if Venezuela should find it right in the exercise of her sovereign powers to concur in the friendly views of the United States respecting the subject-matter; and Mr. Baker believes that these grounds are so strong in their bare statement that they will at once arrest the favorable attention of the President.

1. It is eminently desirable that there should be agreement and harmony between all the republics of the western hemisphere in regard to the great general rules which they resort to in dealing with each other's ships; and indeed it is alike desirable that a similar harmony of usage should prevail between all the nations of the civilized world. The basis of such harmony should be the general opinion and usage of civilized nations.

Now: "The law of the United States following the usage of most civilized countries provides that the custody of the papers of foreign ships shall rest with the consuls of their nations" except as to such foreign nations as do not reciprocate this provision. The law of the United States being thus in accord with the general practice of civilized nations, rests upon a very broad and solid foundation of public usage, not applicable to the United States only, but adopted and practiced by most civilized countries, and applicable with equal force of reason to all the rest.

2. "In the second place, apart from considerations of reciprocity founded on treaty, the sacredness of the principles of reciprocity as an enduring basis of international intercourse under the law of nations may be forcibly invoked" in support of the same position. "A vessel under a civilized flag on the high seas or in a foreign port possesses a national life of which its papers are the strongest evidence. They are to all intents a part of the vessel itself. To assume that by the act of entering a friendly port, a vessel is to be stripped of that which is in a large measure essential to the proof of its nationality, and to await the pleasure of a local foreign officer before such part of its life can be restored to it, is inconsistent with international principles and usage." Hence it is found "that the custom of nations (with but few exceptions in the Spanish-American ports of South America), recognizes the consul of the vessel's nationality as the sole guardian of all national right appertaining thereto." The exceptions referred to "are happily growing fewer," and, inasmuch as they are in contravention of the general usage of nations, they cannot be regarded as resting on any "broad principle of comity," but on the contrary must be regarded as violating comity. "The register is the evidence of the ship's nationality, and as such, with the ship itself, are properly within the continuous jurisdiction of the vessel's nation, and, therefore, in a foreign port, within the jurisdiction of the consul of that nation."

3. "In the next place, a conclusive reason for the custody of ships' papers by the consul of her nation is found in the necessity of preventing frauds against individuals in connection with marine survey repairs, bottomry bonds, the right of absent owners, &c., and protection of the rights of seamen. It is for these purposes that the legislation of nations provides that the register of a vessel while in port shall pass out of the control of her commander and into the custody of the consul. It is not at all necessary that these diversified rights should be subservient to the local police

surveillance while in a foreign port, and yet the rule existing in Venezuela so subordinates them. Moreover, the exercise of these several rights over a vessel for which the laws of her nation make abundant provision is rendered almost impossible by the passage of the papers out of the control of the nation to which the vessel belongs."

4. Several cases of alleged loss of ships' papers in the ports of Venezuela under the existing practice have been brought to the notice of Mr. Baker. It seems plain that it were better that the responsibility for the safe-keeping of such papers while in port should be with the consul who represents the nation of the ship.

5. Mr. Baker understands that the existing law of Venezuela, in relation to its own consuls and commercial agents in foreign countries, wisely recognizes the impregnable principle that ships' papers in a foreign port should be in the custody of their respective nation's consular officers. This law prescribes such custody by Venezuela's own consular officers of the papers of her own vessels during their stay in foreign ports, provided, of course, that there shall be no contrary arrangements in the country. (See *Recopilacion de Leyes y Decretos de Venezuela*, tomo IV, p. 395.)

The principle contended for in this memorandum is strong obviously, invincibly strong, in every rational sense; and, in view of the good disposition of the President in regard to the matter, Mr. Baker hopes that the needed reform, solicited in so friendly a spirit by the Government of the United States, will be acceded to in a like friendly spirit by the Government of Venezuela.

No. 594.

Mr. Baker to Mr. Frelinghuysen.

No. 688.] LEGATION OF THE UNITED STATES,
Caracas, May 15, 1883. (Received June 6.)

SIR: Referring to my No. 686 of date 11th instant relative to the matter of the custody of ships' papers, I have to say that Colonel Mansfield, the British minister at this capital, has since indicated to me in conversation that he entirely approved my memorandum in the premises, and that he had addressed a note to Mr. Seijas fully concurring therein; whilst Mr. Pyer, the German minister here, has since indicated to me in conversation, that having no instruction from his Government on the point, he could take no action thereon, but would report the matter of my memorandum to his Government.

I am, &c.,

JEHU BAKER.

No. 595.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 711.] LEGATION OF THE UNITED STATES,
Caracas, June 7, 1883. (Received June 20.)

SIR: Referring to my dispatches, all relative to or having a bearing on the suspension of monthly payments by this Government, and to your dispatch numbered 219, respecting the same subject, I have to say that on the 4th instant I again drew the attention of Mr. Seijas to the subject in question, by asking him what his Government was going to do or had concluded in relation to your note to Mr. Camacho. He said he would communicate to me that day what he had written to Mr. Camacho, and which the latter had not received. Accordingly, late in the evening of the 4th instant, I received a note from Mr. Seijas,

This point will be considered and determined when it is discussed in the negotiation which has been begun; it appears, however, at a glance, that Venezuela was entitled, as a matter of strict right, to claim the return of all the sums paid, now that the titles of the debt, or the awards, have fallen to the ground. However, the President agrees that they may be retained on account of the future award of the new mixed tribunal. To pay the principal and interest of the amount of the awards which may be found just from the date of the original decision would be to attribute to that decision a value which it does not possess, inasmuch as it has been declared void. As regards Venezuela, and this by no fault of hers, but by that of the corrupt commission, things have returned to the status in which they were when the convention of April 25, 1866, had just been ratified and she was about to execute it. That convention the Republic is ready to observe with all strictness, with no difference, save the substitution of Washington for Caracas as the place where the commissioners and the arbitrator are to meet. Thus no charge can be made against this Government as violating any of its agreements.

The Secretary observes that the negotiation authorized by the joint resolution has not yet been proposed to Venezuela; that that resolution has not been officially communicated to the Government of Venezuela, and that until the President acts conformably to it, it will continue to be a purely domestic matter, embodying the result of a consultation between the executive and legislative branches of the United States Government.

This country protested, since 1870, to the Executive at Washington, against the awards of the Mixed Commission of 1867–'68, and that officer has several times referred the matter either to the Senate or the House of Representatives.

This Government has had nothing whatever to do with these communications. It remembers the doctrines laid down by divers Secretaries of State and Presidents. Of the latter Jackson writes:

"Discussions between the several Departments of our Government belong to ourselves, and for anything said in them our public servants are responsible to none but their own constituents, or to each other. If, in the course of their consultations, erroneous facts are asserted, or improper inferences drawn, they need in order to correct them, however they may be informed of their error, nothing but their love of justice and what is due to their own character; but they cannot be questioned on the subject as a matter of right by a foreign power. *When our discussions terminate in acts, our responsibility to foreign powers begins, not as individuals, but as a nation.*"

The reference of the case to Congress by the Executive having terminated in an act, that is to say, in the resolution of the 3d of March, and the President having signed it without any objection, this Government believes that it was binding upon the United States. It has but suspended, not absolutely revoked, the decision which, on the 17th of May, 1880, ordered the payment of the monthly quota of 19,691.25 Bolivars to the American Legation.

To this must be added that you yourself wrote to the Secretary of State on Monday, March 26, expressing a desire to see him, and to reach an understanding concerning the execution of the public resolution of Congress respecting the claims against Venezuela. You had a conference with that officer, and he caused to be read to you the report of the section on the execution of what had been resolved upon. He told you that nothing was decided; that that was a memorandum in which all that could be said in favor of the United States was said, and requested you to state your opinions. You answered that what was stated by the maker of the report was not what Congress had ordered; that as to opening negotiations at Caracas, that would be losing time, since you had not only the necessary powers and instructions, but had labored unceasingly for two years to secure the appointment of a new mixed commission, &c., &c. The minister desired to take some time to think and to inform you. That conference was, beyond dispute, a beginning of negotiation, and the assent of the Secretary to the existence of the resolution was a virtual communication of it. It is, moreover, positively stated in his note to which I am now replying that Congress has passed said act. In one way or another, therefore, Venezuela has been notified of it.

The Congress of this country has promulgated laws without communicating them to foreign governments, and those governments have not considered it indispensable that they should be notified of them in order to consider them as being in force, and to protest against their provisions.

Finally, the measure of suspension was not adopted without having previously been brought to the knowledge of the United States minister at Caracas, who was requested to express his views concerning it. He confines himself to saying that it was not proper for him to express an opinion on the subject, but that it appeared to him desirable that the matter should be settled at Washington between the two Governments. Thus it is that all due consideration has been shown to the United States.

Moreover, the President does not intend to fail in any of his engagements. He has simply ordered that the monthly quota assigned for the payment of the United States

such are the characteristics of these awards. The gravity of the charge is greatly increased when it is considered that Mr. Talmage shared in their proceeds, either directly or through the medium of his partner, Mr. W. P. Murray, secretary of the legation, who was presented to the Government in that capacity, and who once even had charge of it while Mr. Pruyn was on a visit to St. Thomas. It would even be highly inconsistent for the corrupt action of Mr. Talmage to be admitted, and at the same time for any of his acts to be recognized as valid, since he therefrom derived benefit for himself and for the other members of the league which had been formed against the treasury of Venezuela."

In the discussion of the matter at Washington, the fact has been elicited that Murray was attorney for claims awarded to the amount of $851,000, and Whiton, Talmage's agent in New York, to the amount of $352,000; the sum of $50,000 only was not represented by one or the other. And as the Committee of Foreign Affairs of the House of Representatives says in its last report: "The treaty with Venezuela provides for the appointment of a commission to consider the claims of American citizens against Venezuela. There has not been the commission which the treaty required. The alleged commission was a conspiracy; its proceedings were tainted with fraud. That fraud affects them all. It was corrupt from head to foot, and there is no method known to the committee by which the fraudulent part may be separated from the honest part, and any portion shown to be sound and entire. *Falsus in uno, falsus in omnibus.*

"It is a principle not only of unwritten law, but of universal jurisprudence, that fraud vitiates every act, public or private."

If the minister refers to the classification of claims made in 1880, it will be sufficient for me to remind him of the circumstances of the case in order to satisfy the argument. Mr. Evarts had suggested to Mr. Pile, when the case was transmitted by Congress to the executive, that Venezuela should divide the claims into categories, as a means of arriving at an adjustment of them between the two Governments, without the necessity of returning the case to Congress. But, without awaiting the answer of Venezuela, his excellency the President, in a message dated March 29, 1880, again laid the matter before the Senate. It is therein stated that this Republic has not yet specified the awards which it considered just and those which it considered unjust in such a way as to put an end to any ulterior complaint, if it should be attempted to make a discrimination in the payment of dividends.

Moreover, with that message is transmitted a communication from the minister of Venezuela, Mr. Dalla Costa, in which he says, under date of November 20, 1879: "Taking this view of the case, the classified list referred to by Mr. Pile, the attorney of Venezuela, in his final statement before you, and in the correspondence of this legation of subsequent date, would necessarily take the form of a distinct and authorized proposal for the final adjustment of the whole matter—as well with regard to the sums which my Government would be disposed to admit to be justly due to the claimants as to the times of payment."

I must also say, that although my Government is disposed to heed the indications of the honorable Secretary of State, comprised in the interlocutory observations made by the attorney of Venezuela on the 19th of July, 1879—to present a final list of claims considered just, and of sums due for claims considered excessive, and to agree to the payment of those amounts as soon as the Government of Venezuela shall have been recognized—yet it thinks that all the claims of the mixed commission ought to be reviewed by a new one, honest and competent, and it repeats its request, so many times made, for this mode of adjustment, &c.

What the President of the United States then recommended to Congress was that a judicial investigation should be instituted by a competent commission, with adequate authority to determine which were the awards whose payment was not to be insisted on, and which were those whose payment was to be required.

Consequently, as the proposal of Venezuela, which was made at the suggestion of Mr. Evarts, and which included all the claims, was not waited for or attended to, it is clear that it remained without any value, especially in the absence of the condition of its conducing to the termination of the dispute between the two Governments without further legislative action.

Mr. Frelinghuysen adds that the payments hitherto made by Venezuela do not suffice to cover even the moderate interest agreed upon.

I have already said that the payments made up to the 28th of February last amount to $534,286.83, or 2,137,147.32 bolivars. But in order to be able to calculate whether this covers the amount of the interest of the debt, it is necessary to know what that debt is. This is not yet known, nor can it be, until the new commission shall have decided it. The assertion presupposes the validity of the awards which have been declared null and void—an entirely untenable hypothesis.

This Government believes, on the contrary, that the payments made amount to more than will be found just.

The Secretary affirms that in the adjustment it is necessary to recognize the right of the claimants to receive both the principal and interest of the awards which may hereafter be found just, reckoning from the date of the original awards.

This point will be considered and determined when it is discussed in the negotiation which has been begun; it appears, however, at a glance, that Venezuela was entitled, as a matter of strict right, to claim the return of all the sums paid, now that the titles of the debt, or the awards, have fallen to the ground. However, the President agrees that they may be retained on account of the future award of the new mixed tribunal. To pay the principal and interest of the amount of the awards which may be found just from the date of the original decision would be to attribute to that decision a value which it does not possess, inasmuch as it has been declared void. As regards Venezuela, and this by no fault of hers, but by that of the corrupt commission, things have returned to the status in which they were when the convention of April 25, 1866, had just been ratified and she was about to execute it. That convention the Republic is ready to observe with all strictness, with no difference, save the substitution of Washington for Caracas as the place where the commissioners and the arbitrator are to meet. Thus no charge can be made against this Government as violating any of its agreements.

The Secretary observes that the negotiation authorized by the joint resolution has not yet been proposed to Venezuela; that that resolution has not been officially communicated to the Government of Venezuela, and that until the President acts conformably to it, it will continue to be a purely domestic matter, embodying the result of a consultation between the executive and legislative branches of the United States Government.

This country protested, since 1870, to the Executive at Washington, against the awards of the Mixed Commission of 1867–'68, and that officer has several times referred the matter either to the Senate or the House of Representatives.

This Government has had nothing whatever to do with these communications. It remembers the doctrines laid down by divers Secretaries of State and Presidents. Of the latter Jackson writes:

"Discussions between the several Departments of our Government belong to ourselves, and for anything said in them our public servants are responsible to none but their own constituents, or to each other. If, in the course of their consultations, erroneous facts are asserted, or improper inferences drawn, they need in order to correct them, however they may be informed of their error, nothing but their love of justice and what is due to their own character; but they cannot be questioned on the subject as a matter of right by a foreign power. *When our discussions terminate in acts, our responsibility to foreign powers begins, not as individuals, but as a nation.*"

The reference of the case to Congress by the Executive having terminated in an act, that is to say, in the resolution of the 3d of March, and the President having signed it without any objection, this Government believes that it was binding upon the United States. It has but suspended, not absolutely revoked, the decision which, on the 17th of May, 1880, ordered the payment of the monthly quota of 19,694.25 Bolivars to the American Legation.

To this must be added that you yourself wrote to the Secretary of State on Monday, March 26, expressing a desire to see him, and to reach an understanding concerning the execution of the public resolution of Congress respecting the claims against Venezuela. You had a conference with that officer, and he caused to be read to you the report of the section on the execution of what had been resolved upon. He told you that nothing was decided; that that was a memorandum in which all that could be said in favor of the United States was said, and requested you to state your opinions. You answered that what was stated by the maker of the report was not what Congress had ordered; that as to opening negotiations at Caracas, that would be losing time, since you had not only the necessary powers and instructions, but had labored unceasingly for two years to secure the appointment of a new mixed commission, &c., &c. The minister desired to take some time to think and to inform you. That conference was, beyond dispute, a beginning of negotiation, and the assent of the Secretary to the existence of the resolution was a virtual communication of it. It is, moreover, positively stated in his note to which I am now replying that Congress has passed said act. In one way or another, therefore, Venezuela has been notified of it.

The Congress of this country has promulgated laws without communicating them to foreign governments, and those governments have not considered it indispensable that they should be notified of them in order to consider them as being in force, and to protest against their provisions.

Finally, the measure of suspension was not adopted without having previously been brought to the knowledge of the United States minister at Caracas, who was requested to express his views concerning it. He confines himself to saying that it was not proper for him to express an opinion on the subject, but that it appeared to him desirable that the matter should be settled at Washington between the two Governments. Thus it is that all due consideration has been shown to the United States.

Moreover, the President does not intend to fail in any of his engagements. He has simply ordered that the monthly quota assigned for the payment of the United States

debt be deposited at Caracas instead of at Washington. He has considered that he had a right to take this step ever since the question of corruption in the awards was submitted to the United States Government.

By means of the foregoing and of whatever else may occur to you, you will be pleased to reply to the Secretary of State of the United States, whose note you may perhaps already have answered.

I am, &c.,

RAFAEL SEIJAS.

No. 596.

Mr. Baker to Mr. Frelinghuysen.

No. 720.] LEGATION OF THE UNITED STATES,
Caracas, June 26, 1883. (Received July 10.)

SIR: The much dreaded locust (*langosta*) is again upon Venezuela, with what measure of extent and devastation I am not yet sufficiently advised to approximate with any accuracy. In the most general view it seems that this invasion took its rise in the western part of the Republic, and has moved and is moving eastward. Millions of locusts have passed over Caracas to-day, from west to east. My attention was drawn to them about 9 o'clock this morning. I observed their flight attentively for some time. They were of various sizes, and their wings and sides glistened in the sunlight as they advanced through the air. From my point of observation they moved, for the most part, in a stratum extending from about 30 to 100 feet above the surface of the earth, some, however, flying lower, and some higher than these respective limits. They cast their individual shadows upon the ground as they passed forward, and these small shadows, which I observed dotted over street or *patio*, moved in accompaniment to the flight of the insects. There was, however, no general shadow, no cloud-like darkening of the sun. At times, when the field of view had the back ground of a cloud, or of the near range of mountain which rises just north of the city, the effect of the moving multitude was somewhat similar to that which is produced by large flakes of snow deflected by the wind. There was some appearance that they migrated in groups, by communities or colonies, the groups showing or suggesting some average difference in the size of the insect, and each group being followed by an interspace, occupied by comparatively few fliers. As I have said, my attention was drawn to the phenomenon about 9 o'clock this morning. At about 2.30 p. m. I suspended my observation, and at that time the multitude of locusts appeared to be still moving eastward in unabated force. Upon looking again, at about 5 p. m., I found that the insect stream had ceased, there remaining only a few laggards flying about roof or street, and being captured and impaled by the boys. So that the locust movement which I have sketched continued for at least about five hours and a half, and probably longer.

I am, &c.,

JEHU BAKER.

No. 597.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 721.] LEGATION OF THE UNITED STATES,
Caracas, June 28, 1883. (Received July 25.)

SIR: After various abortive and discouraging attempts, extending through a course of years, to connect Caracas and Laguayra by a rail-

way, it gives me pleasure to be able to report that this has at length been done. Yesterday at about 4.15 p. m. the first train from Laguayra arrived at Caracas.

Besides the President and various Government officials, some thousands of people had come together to witness the spectacle, greatly more curious and novel here than the like would be in Europe or the United States, for but comparatively few of the assembled people of Caracas had ever seen a railway train in all their lives.

The Venezuelan, the English and the United States flags were displayed at the depot, and the engine of the approaching train was decorated with the same flags. The use of the Venezuelan flag was a matter of course; and I take it that the use of the American and the English was in respect to the different nationalities of the foreigners having part in the construction or ownership of the road.

* * * * * * *

The road is about 23 miles in length. It winds along the sides of many-shaped and precipitous declivities, and affords a rare succession of grand and beautiful views of sea and mountain.

Although, as I have said, a train has been brought through, I understand there is yet some work to be done before the road and its appointments will be completely finished. Still, in every substantial sense, the enterprise is to be regarded as a fact accomplished.

It is a great work for Venezuela, not only in itself and for its own uses, but as the prospective forerunner of much longer and less difficult lines of railway communication—a sort of communication which I think will have an important transmuting effect, not only upon the inert and stagnant industrial condition of this country, but also upon that chronic spirit of revolution by which it has been so long afflicted.

I am, &c.,

JEHU BAKER.

No. 598.

Mr. Baker to Mr. Frelinghuysen.

No. 750.] LEGATION OF THE UNITED STATES,
Caracas, September 19, 1883. (Received October 2.)

SIR: I have the honor to make a very succinct statement respecting the honors given in Venezuela to Bolivar, one hundred years after his birth.

Bolivar was born in Caracas on the 24th of July, 1783. Venezuela celebrates the centennial of his birth by certain ceremonies and by an exhibition.

The principal of the ceremonies were those which took place on the 24th of July, the birthday of Bolivar, and on the 31st of July, when a statue of Washington was erected in Caracas.

I give here a word to the first.

Venezuela has a Pantheon, not dedicated, as in ancient Rome, to all the gods, but to the deceased men of the country who are regarded as great. One can see in this difference the great modification which time has wrought.

Bolivar occupies a supreme place in the Pantheon of Venezuela. His remains are there; his statue is there, at the end of the principal aisle of the edifice.

On the morning of the 24th of July, one hundred years after his birth,

all the officiality of Caracas, and that of foreign countries here present, followed by an imposing concourse of people, moved in stately procession to the Pantheon. Then, after some words by the President, many beautiful crowns or garlands, all of artificial flowers, were placed on the pedestal of the monument of Bolivar, the President being the first to deposit his offering; then the gentlemen in various representative capacities, and finally the ladies.

The procession then moved to the Plaza Bolivar, where stands an equestrian statue of Bolivar, and on the base of this many floral offerings, artificial and natural, were deposited.

For my part, I deposited two crowns or garlands at the Pantheon and one in the Plaza Bolivar. In depositing the last the President accompanied me, indicating the place where the crown of immortelles which I bore in my hand should be deposited, and saying, "Venezuela and the United States," extended his hand to mine at the base of the statue of Bolivar.

So much for the morning act of the 24th of July.

The night of the same day witnessed what is here termed the "apotheosis of Bolivar," the real meaning of the "apotheosis" being as much changed from its ancient import as that of the word "pantheon."

The large new theater of Caracas, brilliantly illuminated, and filled in all its circles, was the scene of this act, and presented, truth to say, a really magnificent spectale. The act consisted principally of music and of floral offerings to Bolivar. As at the pantheon, the President first presented his offering, advancing to the stage and laying it before a bust of Bolivar. Then followed various floral offerings in various representative character, until this part of the ceremony was finished (except as to the United States). For the rest I translate from the account of the act as given by the Opinion Nacional of the 6th ultimo, an account which, though containing some erroneous details, is correct as to the general spirit of the scene:

After this, agreeable surprise and profound commotion was caused in all the surroundings upon seeing the commodore of the American squadron anchored at La Guayra, Mr. G. H. Cooper, in full uniform, accompanied by the minister resident of the United States, Mr. Baker, and Mrs. Baker, and by the several naval officials of that friendly nation, advance to the proscenium, carrying a beautiful garland. Once there, they separated into two wings and offered a passage to the honorable minister and his worthy wife, who were to place the offering at the pedestal of the bust along with the others, by which they generously evinced their admiration of our liberator and hero. The public could not restrain the vivid emotions caused by this eloquent mark of sympathy, and broke forth into loud and prolonged applause, as much at the approach as at the return of the amiable and distinguished guests; and in all the boxes and on all the sofas the ladies also applauded with the greatest enthusiasm in order to signify to our brothers of the North in what high estimation we hold the kind proofs of their most valuable friendship and the cordial relations which exist between Venezuela and the Great Republic. General Guzman Blanco, standing in his box, led the applause in the ovation.

I am, &c.,

JEHU BAKER.

No. 599.

Mr. Baker to Mr. Frelinghuysen.

No. 751.] LEGATION OF THE UNITED STATES,
Caracas, September 19, 1883. (Received October 2.)

SIR: I have the honor to inclose herewith an extract from the Opinion Nacional of the 17th ultimo, containing the speeches of Señor José

In him the world admires the portentous advancement of that great Republic which seems to have been destined to verify the marvels of mythological story. Washington is North America, and North America is Washington.

"On the native soil of Bolivar it was fitting that Washington should occupy an exalted position. At the apotheosis of the liberator of South America the liberator of North America could not be forgotten, and to Guzman Blanco, the illustrious regenerator of Venezuela, our country owes the honor which belongs to it in the erection of this monument to American glory. This statue is a new tie, which unites the two founders of the independence of the New World. It is, as it were, the close embrace of the two liberators in the eternal splendors of immortality.

"You, O noble sons of the great Republic of modern Rome! You, intrepid seamen who grace this solemnity with your presence! tell your countrymen how their brethren of the south, congregated around this monument, made the glories of your country their own, in order to render to them the tribute of veneration. Tell them that for us Bolivar and Washington are brothers, who were united by destiny and glory, as the two Americas have been united by the birth-place of liberty, equality, and fraternity.

"And then, Caracas, thou city of noble sacrifices and heroic deeds, who art now at the height of thy prosperity, contemplate with pride this monument, with which the most loving of thy illustrious sons enriches thee at the centennial of Bolivar, a day which will be forever memorable, and the dawn of which was the glorious 19th of April, 1810!"

[Inclosure 2 in No. 751.]

Speech of Rear-Admiral Cooper.

Mr. President, members of the cabinet, ladies and gentlemen of Caracas: I thank you for the privilege of saying a word—only a word—for sailors do not make long speeches; we leave them to the priests and lawyers. I thank my country that I have been sent to represent her in Venezuela upon this occasion, and that I can take back with me such a good account of the wealth, resources, and prosperity of this model republic. This is a happy time to proclaim to the world your greatness, and these centennial ceremonies are a noble tribute to that great soldier, patriot, and liberator, Bolivar, the father of this fair land.

I say to you, Mr. President and loyal citizens of this nation, that although you are of Spanish and we of English descent, the people of the two countries belong to one family, a family whose pedigree is without a flaw, and whose escutcheon is without stain. We are freedom's sons! I further say that I am proud to see you erect here this statue to General George Washington, the Bolivar of the United States of North America.

Where is a more fitting spot than this; here on freedom's sacred soil, here in the heart of a rich land, rich in all things, rich in the fact that her freedom rose phœnix-like out of the ashes of the effete civilization of old Spain, rich in being blessed with a wise and enlightened ruler, rich in that boon of modern days, priceless liberty. In conclusion I thank you in the name of our President and of our whole people for this grateful tribute to the illustrious Father of our Country.

[Inclosure 3 in No. 751.]

Speech of Minister Baker.

Mr. President, Messrs. ministers, gentlemen of the junta directiva, ladies and gentlemen: I have heard with delight the very eloquent remarks of the orator of the day—pronounced in the act of unveiling this monumental statue of Washington.

I am deeply touched by his words. I profoundly appreciate this exquisitely beautiful act of friendliness towards my Government and my country—moving spontaneously from the Government and people of Venezuela.

In behalf of my Government—on behalf of the whole people of the United States—and most heartily on my own behalf—I respond in words of the heartiest reciprocation of the great good feeling and broad human grasp of spirit which is implied by the conception and execution of this most beautiful and friendly act.

Such an act is an indication that civilization is entering upon a new and higher career. It is a noble manifestation of that spirit of advancing humanity and brotherhood of nations, the victories of which shed higher honor upon man's nature than those won upon fields of strife and blood.

The scene of the act is wonderfully touching and imposing. Venezuela places the statue of Washington in the most beautiful plaza of her beautiful capital, in the midst

freedom. But this thought grew and grew continually. It animated all hearts, elevated the national pride, awakened enthusiasm, and kindled patriotism. It became a radiant light, an invigorating heat, a dominating force; and finally it became the controlling inspiration of the American mind.

"The day was now near when the world of Columbus was to awake to independent and sovereign life. The moral elements needed for the great crisis were no longer wanting. The spirit of the age was soon to give form to the dominant thought. What was still lacking? What was lacking was that that idea, which was beginning to make its way, should be incarnated in a man capable of comprehending and interpreting it, so that it might rise in its strength, do battle, triumph, and, like the sun, shine resplendently in the American heaven. This, like every sublime thought, was but a dream so long as it found no worthy interpreter.

"In North America, which was about to take the initiative in the path to independence, not impelled thereto by tyrannical oppression, but by the high destinies which the future offered, this thought reigned in all minds, and gave forth lightnings which carried consternation to some and hope to others. That people which was born a giant, which lived as respected as it was strong in its infancy, which grew powerful through its constant union, the simplicity of its life and its incorrputible patriotism at length awoke not as a rebellious slave awakes, but as a citizen who is defending his rights, and inspired by a single thought, guided by a single aspiration, proceeded to sacrifice its treasure, blood, life, all, all except the honor of being the first to proclaim independence throughout the world of Columbus upon the altar of its country.

"The titanic struggle began. The din of battle and the discussions held in the council chambers of the nation were heard by turns. While on the field of battle the blood of heroes flowed in torrents, in the council chamber shone the talent of till then unknown genius.

"All is great in that extraordinary people; but success did not crown their efforts until Washington, that heaven-born genius, appeared, in whom liberty found an apostle, the army of independence a mighty champion, and Congress and the citizen a faithful interpreter of the national will.

"He fought as a soldier and commanded as a general. In the hour of trial he encouraged by his example, made victory fruitful, averted or remedied disaster, kindled enthusiasm, and repressed inconsiderate violence. He was loved by the liberating army and respected by the enemy. He was the friend of the allies, the idol of the troops, and he reigned by love in the hearts of all his fellow-citizens.

"Although first in toil, first in danger, and first in sacrifice, he wished to be last when honors were to be conferred.

"Redeemed by the puissant arm of Washington, his country proclaimed him her favorite son; liberty, which he secured for half a continent, glorified his name. America, which recognized him as her liberator, thanked him with outstretched arms; democracy everywhere hailed him as its leader, republicans as their champion, and the entire world viewed with admiration that American hero who had accomplished in securing the independence of his country, an enterprise which was destined to transform the universe by giving a home to all who love great thoughts, to all who adore liberty.

"Washington alone remained unconscious of his own merits, because all pride was lost in his modesty; the immensity of his patriotism overcame all ambition in his breast. The laurels which he had gained as a general, as a magistrate, as a statesman, as a liberator, he esteemed less than the honor of being the most faithful servant of his country.

"Apostle, soldier, hero, liberator, glory showered upon him all her favors, and so great honor, gained in the defense of the most holy cause, called forth no jealousy, but universal applause; for glory only served that great man as a pedestal to display to the world his unfeigned modesty, his thorough disinterestedness, and the absolute incorruptibility of his life.

"But no; he was neither an apostle, a soldier, a hero, nor a liberator. No! he was the model citizen, in whom all these qualities combined to form a special genius, whose glory shone resplendently among heroes like Lafayette, men of science like Franklin, geniuses like Chateaubriand, which and afterwards did not pale when contrasted with ttha of Napoleon and Bolivar, men who had attained the pinnacle of human glory.

"The true greatness of Washington, however, does not lie in his acts, his magnificent achievements, even in his exalted virtues. No, he was great as a man imbued with an idea, as the personification of a sublime thought, as a true interpreter of the feelings of a whole people.

"Yes, gentlemen, in him the world sees the glorious fulfillment of the redeeming idea of American disenthrallment, and it contemplates in him the courage, the power, the virtues, and the glory of that great people, in which humanity seems to display all its vital forces; of that industrious, frugal, and upright people, of whose sense of justice Venezuela has received so many evidences; of that incomparable people of whom Washington has come to be the most worthy representative in history and in immortality.

In him the world admires the portentous advancement of that great Republic which seems to have been destined to verify the marvels of mythological story. Washington is North America, and North America is Washington.

"On the native soil of Bolivar it was fitting that Washington should occupy an exalted position. At the apotheosis of the liberator of South America the liberator of North America could not be forgotten, and to Guzman Blanco, the illustrious regenerator of Venezuela, our country owes the honor which belongs to it in the erection of this monument to American glory. This statue is a new tie, which unites the two founders of the independence of the New World. It is, as it were, the close embrace of the two liberators in the eternal splendors of immortality.

"You, O noble sons of the great Republic of modern Rome! You, intrepid seamen who grace this solemnity with your presence! tell your countrymen how their brethren of the south, congregated around this monument, made the glories of your country their own, in order to render to them the tribute of veneration. Tell them that for us Bolivar and Washington are brothers, who were united by destiny and glory, as the two Americas have been united by the birth-place of liberty, equality, and fraternity.

"And then, Caracas, thou city of noble sacrifices and heroic deeds, who art now at the height of thy prosperity, contemplate with pride this monument, with which the most loving of thy illustrious sons enriches thee at the centennial of Bolivar, a day which will be forever memorable, and the dawn of which was the glorious 19th of April, 1810!"

[Inclosure 2 in No. 751.]

Speech of Rear-Admiral Cooper.

Mr. President, members of the cabinet, ladies and gentlemen of Caracas: I thank you for the privilege of saying a word—only a word—for sailors do not make long speeches; we leave them to the priests and lawyers. I thank my country that I have been sent to represent her in Venezuela upon this occasion, and that I can take back with me such a good account of the wealth, resources, and prosperity of this model republic. This is a happy time to proclaim to the world your greatness, and these centennial ceremonies are a noble tribute to that great soldier, patriot, and liberator, Bolivar, the father of this fair land.

I say to you, Mr. President and loyal citizens of this nation, that although you are of Spanish and we of English descent, the people of the two countries belong to one family, a family whose pedigree is without a flaw, and whose escutcheon is without stain. We are freedom's sons! I further say that I am proud to see you erect here this statue to General George Washington, the Bolivar of the United States of North America.

Where is a more fitting spot than this; here on freedom's sacred soil, here in the heart of a rich land, rich in all things, rich in the fact that her freedom rose phœnix-like out of the ashes of the effete civilization of old Spain, rich in being blessed with a wise and enlightened ruler, rich in that boon of modern days, priceless liberty. In conclusion I thank you in the name of our President and of our whole people for this grateful tribute to the illustrious Father of our Country.

[Inclosure 3 in No. 751.]

Speech of Minister Baker.

Mr. President, Messrs. ministers, gentlemen of the junta directiva, ladies and gentlemen: I have heard with delight the very eloquent remarks of the orator of the day—pronounced in the act of unveiling this monumental statue of Washington.

I am deeply touched by his words. I profoundly appreciate this exquisitely beautiful act of friendliness towards my Government and my country—moving spontaneously from the Government and people of Venezuela.

In behalf of my Government—on behalf of the whole people of the United States—and most heartily on my own behalf—I respond in words of the heartiest reciprocation of the great good feeling and broad human grasp of spirit which is implied by the conception and execution of this most beautiful and friendly act.

Such an act is an indication that civilization is entering upon a new and higher career. It is a noble manifestation of that spirit of advancing humanity and brotherhood of nations, the victories of which shed higher honor upon man's nature than those won upon fields of strife and blood.

The scene of the act is wonderfully touching and imposing. Venezuela places the statue of Washington in the most beautiful plaza of her beautiful capital, in the midst

of the rich floral exuberance of the tropics, hard by the beautiful Santa Teresa, her most magnificent temple for the worship of Almighty God, and surrounded by that vast amphitheater of mountains, dominated by the cloud-capped and grand Silla which keeps everlasting watch and ward over the happy and smiling valley of Caracas.

This act is full-orbed and morally sublime. It touches the hearts of the two great branches of our common race. Over the subtle tramways of human thought and sentiment its waves of beneficent influence will traverse the wide expanses of two continents, from the straits of Magellan and the stormy Horn to where the aurora crowns with electric fire the frozen zone of the North.

The people of my own fair and great land will hail it with delight, as an offering of friendship which we will take to our hearts and warmly cherish as a precious tribute to the fame of our immortal Washington. And then, wherever the beautiful, the rich, and the magnificent Spanish language is spoken upon either continent, from the Rio Grande to far-away Patagonia, throughout that vast group of nations whose hearts kindle with patriotic enthusiasm at the name of the immortal Bolivar, this act will be hailed as a happy symbol of that progressive development and civilization which is bringing all the republics of the two continents—as indeed all the nations of the globe—into more intimate, friendly, and humane relations.

This act takes place in the city which was at once the cradle of Bolivar and the cradle of that vast movement for independence of which he was the salient chief, and which enveloped all Spanish America: Venezuela, New Granada, Ecuador, Peru, Chili, Bolivia, Argentina, Uruguay, Paraguay, Mexico, Guatemala, Honduras, Salvador, Nicaragua, and Costa Rica—a fair and immense group of nations.

Washington was the salient chief of the great movement for independence upon the northern continent, and the one Republic with which his home fame is entwined—taking greatness and power from its unity—is an ample heritage for a gigantic development of civilization.

In the course which history has taken, Washington is the colossal historical figure of the northern continent, and Bolivar of the southern.

Here, at the home of Bolivar, and as one of the acts which celebrate the centennial of his birth, Venezuela unveils this beautiful statue of Washington; the act stands as a tribute of friendship from one continent to another.

It is indeed a full-orbed and morally sublime act. It is on a level with the highest reach of civilization. It calls the nations of both continents to peace, and to more intimate friendship. It summons the great family of republics which are distributed upon this western hemisphere to live together in harmony and good will.

To witness, to appreciate, to sympathize with, and to honor this noble act, it was fit that the gallant and service-worn Rear-Admiral Cooper, attended by his splendid suit of officers, and borne in the finest vessel of the United States Navy, should come over the Caribbean Sea and visit the hospitable shores and the hospitable capital of Venezuela.

In consonance with the wide spirit of this act, I give a word of kindness and friendship to all the numerous representatives of all the nations of the earth who are here present.

I give a like word to all good people of Venezuela, whether here present or not.

I give a word of artistic and delicate recognition of the fair ladies of Caracas who grace this great assemblage with their presence; whose purity of character sheds honor upon their sex; whose affectionate devotion to their families equals all praise, and whose beauty catches exquisiteness from the magnificent climate in which it is their happy privilege to live.

I give a word of warm recognition to all the gentlemen of the junta directiva who have had the work of this happy act in charge.

I give a word of hearty hail and good cheer to the President of the Republic and to all the officials of his administration.

Placing together the names of Washington and Bolivar, I dispense the benisons of the Great Republic of the United States upon the beautiful and fascinating Republic of Venezuela.

No. 600.

Mr. Baker to Mr. Frelinghuysen.

No. 768.] LEGATION OF THE UNITED STATES,
Caracas, October 15, 1883. (Received November 7.)

SIR: Referring to my No. 686, of date May 11th last, inclosing a copy of my memorandum on the subject of the custody of ships' papers in

ALPHABETICAL INDEX.

A.

Page.

Adams, Charles: interception of his correspondence by Fariña Bravo, a Chilian official; his trial and punishment; copy of the sentence of the court.. 81

Adriana: seizure and detention of; and arrest of the master by the Mexican authorities at La Paz; release of master and restoration of schooner demanded 619–622

master arrested upon the charge of smuggling; arbitrary and high-handed measures of the authorities resorted to to procure a conviction 622–624, 625, 626, 629, 633–634

record in the judgment against the Adriana; declaration signed by Captain Caleb; sentence of the district court 644–648

matter to be brought before the federal supreme court 648, 652, 653

Captain Caleb provided with counsel 655, 656

Amparo proceedings to be instituted; meaning of the term 652, 657, 658

report of the trial and papers in the case 667–675

circuit court confirms sentence of district court 675

Alcohol: excessive tax levied by Turkey upon alcohol imported from the United States; correspondence with the foreign office 819–821

tax a violation of treaty provisions 832

Allen, Elisha H., Hawaiian minister: death of 547

Americans destitute abroad: case of one Kingston in France; Government desires the United States legation to assume care of him and of similar cases; reply of Mr. Morton that the United States is obliged to care for French citizens in like circumstances 262, 263

Anarchists. (See Socialism.)

Anam: treaty of peace with France 759–763

Apache Indians. (See Indians.)

Ararat, Austrian vessel: indictment and arrest of Capt. Sylvio Ferlan at Philadelphia; question of jurisdiction arising out of; right of local authorities to interfere in cases of discipline not recognized; stenographic report of trial; construction of XI Article of treaty with Austria; opinion of executive branch of Government upon points of international law raised in discussion of the case 14–31

Argentine Republic: opening of Congress; President's message, showing prosperity of the country 2, 3

expedition against Patagonian Indians: success of troops; encounter with Chilian troops; both Governments giving and receiving explanations.. 4

Arica: (See Peace between Chili and Peru.)

Azarian, Joseph: question as to right of, to dispose of his real estate in Turkey. (See Sidi, Alexander.)

B.

Baird, John D., complaint of, against Hale & Murchie on account of the construction of a boom in the Saint. John River: (See Saint John River, free navigation of.)

Beef: American. (See Meats, American.)

Bible: permission granted by Turkey to Bible House at Constantinople to print in Arabic provided each copy is stamped "For use of Protestants" 840, 849

Bible Society at Constantinople: proposition from the Turkish Government to secure immunity from interruptions to its book business and seizures by the affixing of a seal to each of its volumes; views of the managers in regard to and correspondence upon the question with the foreign office 824–827, 832

plan of the officials for sealing or stamping volumes 837, 838, 839

satisfactory arrangements made 878

ALPHABETICAL INDEX.

A.

Page.

Adams, Charles: interception of his correspondence by Fariña Bravo, a Chilian official; his trial and punishment; copy of the sentence of the court.. 81

Adriana: seizure and detention of; and arrest of the master by the Mexican authorities at La Paz; release of master and restoration of schooner demanded 619–622

master arrested upon the charge of smuggling; arbitrary and high-handed measures of the authorities resorted to to procure a conviction 622–624, 625, 626, 629, 633–634

record in the judgment against the Adriana; declaration signed by Captain Caleb; sentence of the district court 644–648

matter to be brought before the federal supreme court 648, 652, 653

Captain Caleb provided with counsel 655, 656

Amparo proceedings to be instituted; meaning of the term 652, 657, 658

report of the trial and papers in the case 667–675

circuit court confirms sentence of district court 675

Alcohol: excessive tax levied by Turkey upon alcohol imported from the United States; correspondence with the foreign office 819–821

tax a violation of treaty provisions 832

Allen, Elisha H., Hawaiian minister: death of 547

Americans destitute abroad: case of one Kingston in France; Government desires the United States legation to assume care of him and of similar cases; reply of Mr. Morton that the United States is obliged to care for French citizens in like circumstances 262, 263

Anarchists. (See Socialism.)

Anam: treaty of peace with France 759–763

Apache Indians. (See Indians.)

Ararat, Austrian vessel: indictment and arrest of Capt. Sylvio Ferlan at Philadelphia; question of jurisdiction arising out of; right of local authorities to interfere in cases of discipline not recognized; stenographic report of trial; construction of XI Article of treaty with Austria; opinion of executive branch of Government upon points of international law raised in discussion of the case 14–31

Argentine Republic: opening of Congress; President's message, showing prosperity of the country 2, 3

expedition against Patagonian Indians: success of troops; encounter with Chilian troops; both Governments giving and receiving explanations.. 4

Arica: (See Peace between Chili and Peru.)

Azarian, Joseph: question as to right of, to dispose of his real estate in Turkey. (See Sidi, Alexander.)

B.

Baird, John D., complaint of, against Hale & Murchie on account of the construction of a boom in the Saint. John River: (See Saint John River, free navigation of.)

Beef: American. (See Meats, American.)

Bible: permission granted by Turkey to Bible House at Constantinople to print in Arabic provided each copy is stamped "For use of Protestants" 840, 849

Bible Society at Constantinople: proposition from the Turkish Government to secure immunity from interruptions to its book business and seizures by the affixing of a seal to each of its volumes; views of the managers in regard to and correspondence upon the question with the foreign office 824–827, 832

plan of the officials for sealing or stamping volumes 837, 838, 839

satisfactory arrangements made 878

Page.

Colombian coinage. (See Coinage.)
Colonization: growing agitation of the subject in Germany; homes for surplus population under German nationality and for the benefit of her trade are the arguments advanced by the advocates of; reflections on the subject 349–355
Congo: treaty between France and a Congo chief; cession of territory; action of the French Chamber in regard to; Mr. Stanley denies that any such convention was signed by De Brazza, the representative of France, and the African chiefs 259–261
account of the French occupation of 739–741
possible alliance between Portugal and France with reference to 743
Coolies. (See Chinese laborers.)
Corea: royal proclamation on missionaries and foreign relations 170, 171, 172
text of her treaty with China, and analysis of 172–179
arrival of Mr. Foote at the capital; description of the journey; the people and country; exchange of the treaty ratifications; addresses made upon the occasion; Mr. Foote takes up his residence at the capital ... 241–244
selection of plenipotentiaries to be sent on a special mission to the United States 245
report of Mr. Foote upon its history, population, government, manners, customs, physical and climatic peculiarities, natural resources, products, industries, and what may be developed 245–248
letters of the King and address of the embassy to President Arthur; his reply 248–250
the appointment of Mr. Foote gives great satisfaction to Japan, and is regarded as an act of friendship towards her 603
treaty with Japan 602
treaty limits defined 609
Costa Rica: foreign debt and interoceanic railway; contract with Minor C. Keith for refunding of its foreign debt at lower rate of interest and completion of interoceanic railroad 63–69
Costa Rican Nicaraguan boundary dispute. (See Boundaries.)
Cotton factory at Shanghai. (See Manufacturing in China.)
Courts, consular: reciprocal submission to jurisdiction, of parties of both nationalities appearing in the courts of either the United States or Great Britain in Japan 600, 601
Criminals: assisted emigration of. (See Paupers.)
Cuba: embargoed estates in, owned by citizens of the United States; Spain urged to take action in regard to claims presented to the Commission in Washington for release of such estates, return of rents and profits, and for damages for detention 773–776, 781–785, 788, 789, 796–799
repeal of the order prohibiting the landing in the island of foreign negroes without previous deposit of $1,000 ..... 785, 786
appropriation law passed by the Spanish Cortes, summary of 787

D.

Debts of the European powers: military burdens; deficit in the German budget 311–313
Discriminating duty of 30 per cent. additional imposed by Venezuela upon imports from the United States transshipped at the West India Islands: efforts made to secure modification or repeal; decree modifying the law 893–896, 897–900, 901, 902
Du Bois, Edward C.: claim of, against Chili for destruction of railway material and ruin of his enterprise in Peru by army of occupation: digest of his case and memorial; Mr. Logan directed to present the case to Chili 107–112
Dynamite: Turkey proposes to forbid the passage through the Dardanelles and Bosphorus of vessels laden with dynamite or other explosives 891–893

E.

Ehret, Xavier, military service: case of, in Germany 394
Emigrants, pauper. (See Paupers.)
Emigration to the United States, statistics of: reflections on and suggestions as to how the imigrant should be treated 801–804
Expatriation and naturalization: principles of, discussed 4, 5, 6, 8
Explosives. (See Dynamite.)

Page.

Carrying trade between China and Hawaii: discrimination made in favor of a British line of steamers which excludes Pacific Mail Steamship Company a violation of treaty of 1849; United States minister instructed to remonstrate against, and apply for as favorable treatment in behalf of Pacific Mail Steamship Company as is accorded to other lines 567–572
Casamicciola. (See Ischia.)
Cattle: debate in the House of Commons upon measures for suppression of foot-and-mouth disease and importation of cattle 442
disease does not exist in America 450
regulations of the United States governing treatment and quarantine of imported cattle: report of Cattle Commission relative to the foot-and-mouth disease, in answer to charges made in British Parliament that infected cattle were being shipped from the ports of the United States 454–459, 461, 462
quarantine regulations established by Greece with reference to cattle imported from various countries 536, 537
Central American Union: subject revived; commissioner appointed by Guatemala to visit other States and invite co-operation of their Governments; popular sentiment in all the States, except Guatemala, hostile to union; failure of the proposed convention to be held in Salvador to consider the subject of a union of the States; Costa Rica refuses to send delegates; papers on the subject by Manuel J. Morales, of Salvador, Lorenzo Montufar, and President Barrios, of Guatemala 32–56
Chili: treaty with Spain; arrival of Spanish man-of-war at Valparaiso; change of policy of Spain towards former colonies 91
claims against: conventions signed by Chili with Great Britain, France, Germany, and Italy for settlement of; Mr. Logan suggests that the same action be taken by United States 80
text of French treaty: suggests alterations if a treaty should be concluded by the United States 97–99
opening of Chilian Congress: message of President; reviews the efforts made towards conclusion of peace; church and state; secularization of cemeteries; establishment of registry and of civil marriage; restoration of relations with Spain 103–107
treaty of peace with Peru 731–733
claim of Du Bois. (See Du Bois.)
interception of Mr. Adams's correspondence. (See Adams, Charles.)
war events: (see Peace between Chili and Peru.)
China: treaty of commerce with Corea 172
Chinese commerce: control of, by the Chinese; organization of new steamship company 211
Chinese wishing to return to the United States: Chinese consuls in foreign ports may issue certificates of identification 204, 205, 206
Chinese laborers: right of transit of, across United States; regulations governing 180, 181, 201, 212–215
natives of Hong-Kong British subjects wishing to return to China via San Francisco 480, 491, 492, 493, 494
necessity of checking immigration of, to Hawaiian Islands: Government realizing the threatened danger; measures adopted 555, 556, 564–566
Citizenship: oath of allegiance required of British subjects residing in Denmark 253
Americans living abroad: suggests enactment of a law that after ten years' absence they shall lose their citizenship; extracts from German laws 330–333
foreigners who purchase real estate in Mexico without declaring their intention to retain their nationality become *ipso facto* citizens of Mexico 651, 652, 653, 654
case of O. and G. Schmidt. (See Schmidt, O. and G.)
case of Eugene Verdelet. (See Verdelet, Eugene.)
Clearance of vessels at Colombian ports. (See Ships' registers and papers.)
Coinage, Colombian: Panama Canal Company authorized to introduce into the State of Panama silver coins of the denomination of $1, to the amount of $1,000,000, bearing the stamp and arms of Colombia 222, 223
Cole, Rev. R. M., attack upon his house, at Erzingan, by an armed mob of Armenians: matter presented to the foreign office 828, 839
Colombia: physical and climatic peculiarities and natural resources of 227–230
provisions of the constitution as to filling the executive in case of a vacancy 232
report of minister of foreign affairs in regard to Panama Canal 234–236
treaty of arbitration with Salvador 236, 237
death of President Zaldua. (See Zaldua.)

Page

Colombian coinage. (See Coinage.)
Colonization: growing agitation of the subject in Germany; homes for surplus population under German nationality and for the benefit of her trade are the arguments advanced by the advocates of; reflections on the subject 349–355
Congo: treaty between France and a Congo chief; cession of territory; action of the French Chamber in regard to; Mr. Stanley denies that any such convention was signed by De Brazza, the representative of France, and the African chiefs 259–261
account of the French occupation of 739–741
possible alliance between Portugal and France with reference to 743
Coolies. (See Chinese laborers.)
Corea: royal proclamation on missionaries and foreign relations 170, 171, 172
text of her treaty with China, and analysis of 172–179
arrival of Mr. Foote at the capital; description of the journey; the people and country; exchange of the treaty ratifications; addresses made upon the occasion; Mr. Foote takes up his residence at the capital ... 241–244
selection of plenipotentiaries to be sent on a special mission to the United States 245
report of Mr. Foote upon its history, population, government, manners, customs, physical and climatic peculiarities, natural resources, products, industries, and what may be developed 245–248
letters of the King and address of the embassy to President Arthur; his reply 248–250
the appointment of Mr. Foote gives great satisfaction to Japan, and is regarded as an act of friendship towards her 603
treaty with Japan 602
treaty limits defined 609
Costa Rica: foreign debt and interoceanic railway; contract with Minor C. Keith for refunding of its foreign debt at lower rate of interest and completion of interoceanic railroad 63–69
Costa Rican Nicaraguan boundary dispute. (See Boundaries.)
Cotton factory at Shanghai. (See Manufacturing in China.)
Courts, consular: reciprocal submission to jurisdiction, of parties of both nationalities appearing in the courts of either the United States or Great Britain in Japan 600, 601
Criminals: assisted emigration of. (See Paupers.)
Cuba: embargoed estates in, owned by citizens of the United States; Spain urged to take action in regard to claims presented to the Commission in Washington for release of such estates, return of rents and profits, and for damages for detention 773–776, 781–785, 788, 789, 796–799
repeal of the order prohibiting the landing in the island of foreign negroes without previous deposit of $1,000 ..... 785, 786
appropriation law passed by the Spanish Cortes, summary of 787

D.

Debts of the European powers: military burdens; deficit in the German budget 311–313
Discriminating duty of 30 per cent. additional imposed by Venezuela upon imports from the United States transshipped at the West India Islands: efforts made to secure modification or repeal; decree modifying the law 893–896, 897–900, 901, 902
Du Bois, Edward C.: claim of, against Chili for destruction of railway material and ruin of his enterprise in Peru by army of occupation: digest of his case and memorial; Mr. Logan directed to present the case to Chili 107–112
Dynamite: Turkey proposes to forbid the passage through the Dardanelles and Bosphorus of vessels laden with dynamite or other explosives 891–893

E.

Ehret, Xavier, military service: case of, in Germany 394
Emigrants, pauper. (See Paupers.)
Emigration to the United States, statistics of: reflections on and suggestions as to how the imigrant should be treated 801–804
Expatriation and naturalization: principles of, discussed 4, 5, 6, 8
Explosives. (See Dynamite.)

F.

Page.
Fariña Bravo. (See Adams, Charles; interception of his correspondence.)
Featherstone T. (See Kennedy, Edmund O'B.)
Fees, consular: onerous fees imposed by Spain; forty cents per head on cattle and ten cents per ton on cargoes leaving United States for ports of Spain; efforts of the United States for a change of the rate.... 763–769, 771
proposition by Spain that part of the fee be collected by the Spanish customs officials.... 776–781
protests of American shipmasters against exorbitant fees exacted of them by Spanish consul at Key West.... 791–796
Ferlan, Capt. Sylvio. (See Ararat.)
Fisheries Exhibition at London. (See London International Fisheries Exhibition.)
Foot-and-mouth disease. (See Cattle.)
Foreigners in Peru: outrages inflicted upon Europeans by Chilian forces in Peru; co-operation of their Governments for redress; Mr. Logan requested to advise his Government to unite in joint action with them; declines having anything to do with the matter.... 119
Mr. Logan's action approved by the Department.... 120, 1
France: treaty of peace with Anam.... 759–7
claims treaty with Chili.... 97–

G.

Gaboon: missionary schools at. (See Missionary schools.)
Gallagher, Thomas: arrest and imprisonment of, in London, upon the charge of having explosives in his possession; appeals to the United States legation for assistance.... 414–417
Gambetta, Leon: death of.... 261, 262, 263
comments of the German press upon.... 326
Geiler, Carl W.: military service, case of, in Germany.... 394
Germany: debt of; deficit in the budget; military burden of.... 311–313
opening of the Prussian Diet; speech of the Emperor; partial abolition of the income tax; further development of the railway system; deficit in the budget; text of the speech.... 313–318
message of the Emperor to the Reichstag; desire for biennial budget excites opposition.... 375, 382
inundated districts of. (See Inundated districts.)
military service cases. (See Ehret, H.; Geiler, C. W.; Grau, J. J.; Klam, A.; Koernig, A.; Petersen, H.; Salzer, P. T.; Scheibert, C. W.; Schumann, G.; Schwarz, A.; Staarbach, ——.; Witowiak, U.)
Gran, Jörgen, J.: military service case of, in Germany.... 393
Great Britain: opening of Parliament; comments on the Queen's speech.... 413
notice given by the United States of intention to terminate Articles XVIII to XXV and XXX of the treaty of May 8, 1871, respecting the fisheries and transportation of goods in bond.. 413, 414, 434, 435, 440, 441, 451, 464
Greece: taxes and financial condition of.... 538
animosity between Greeks and Bulgarians: rival interests in Roumelia and Macedonia.... 539, 540
Greeks imprisoned at Constantinople; release of, at request of the minister of the United States.... 535, 537, 816
history of the affair.... 817–819, 831
Guano: sale of 1,000,000 tons by Chilian Government; price of, and method of sale.... 79, 80
debt of Peru; decree of Montero government disavowing right of Chili to sell guano and nitrates pledged to creditors of Peru; intention to contest sale and cut off creditors who have entered into arrangement with Chili.... 88, 89
by peace protocol between Chili and Peru, Chili agrees to pay 50 per cent. of net proceeds from sale of 1,000,000 tons to foreign bondholders of Peru; this includes only those now being developed in ceded territories, all new discoveries to belong exclusively to Chili; Chili relinquishes claim to Lobos Islands guano.... 116, 117
Department informs Mr. Partridge that rights of creditors of Peru secured by lien upon guano and nitrate deposits cannot be canceled at the election or decree of Peruvian Government.... 708
debt guaranteed by third article of protocol only to limited extent by portion only of guano product; United States will not regard with favor any settlement which may disregard interests of American citizens; if Chili appropriates natural resources of Peru it should regard obligations resting upon such resources.... 711

Page.

Meats, American: prohibition of, by foreign governments.
Austria: proposed measures against trichinosis 6, 7, 8, 9
France: petitions against prohibition to be circulated among laboring classes; but one case of trichinosis ever observed in France 264, 265
Government proposes to submit imported meats to freezing process; ministry informed that United States may adopt retaliatory measures; petition of importers to minister of commerce..... 265, 266, 267
invited to send expert to act with commission to be appointed by President for investigation of subject..... 270
formation of the commission: France to be notified of..... 272, 282, 283
France urged to repeal the decree: calls attention of foreign office to adulteration of French wines; retaliatory measures may be adopted.. 283, 284
repeal of decree delayed by epidemic of trichinosis in Germany; solution promised before meeting of Congress..... 292
decree repealing prohibition; circular from minister of commerce to prefects..... 292, 293, 294
Germany: renewed agitation; bill prepared to exclude all forms of pork; lard not yet excluded..... 305, 306, 318, 319
extracts from Berlin Tribune showing evil effects exclusion will have upon trade and poorer classes, and that it is the result of prejudice.... 307–310
comments of London Times on the new bill; memorial of Hamburg merchants; alleges that there is more danger from native pork than from imported; loss to revenue and shipping interests pointed out; the prohibition in interest of German producers 319–323, 324–326
protests from German cities; speech of Richter in opposition to..... 323, 324
synopsis of the debate in the Reichstag 328–330
Germany invited to send experts to the United States to examine methods employed in the industry..... 335, 336, 338
memorial from Chamber of Commerce of New York State..... 337
Bundesrath approves decree prohibiting pork; protest of American representatives against 339–342
asks answer to President's proposal to send a commission of investigation to the United States, and the suspension of action 339–342, 348
Germany declines to investigate or suspend order..... 355, 357, 358
Mr Sargent's allusion to retaliatory measures disapproved; his explanation 356, 357, 374, 375, 381, 382
copy of decree and extracts from German papers..... 359–361
cases of trichinosis at Tilsit: report of consular agent at, that they probably resulted from eating raw native pork..... 370–374
hostile criticism of Mr. Sargent's dispatches by the German press.... 377–381, 383, 385, 386
North German Gazette justifies prohibitory ordinance..... 383–385
further correspondence upon the question of a commission of investigation 387–389
cases of trichinosis since the absolute exclusion of American pork..... 389–390
epidemic of trichinosis in Saxony..... 395–397
report of Mr. Fox upon: caused by eating raw native pork 398–401
progress of the epidemic; its extent 401–403
outbreak of trichinosis in West Prussia 403–404
the German minister at Washington upon the prohibitory decree expressing the views of his Government as to the necessity of the measure and its gratification that the United States does not adopt the position taken by its representative at Berlin..... 404–407
Greece: prohibition of hog products by, circular sent out by the Government to her representatives for information as to the action of other countries; Greece is governed by the action of France. 291, 392, 536, 537, 540, 545
Spain: trichinosis at Malaga; caused by eating raw pork; no changes to be made in sanitary regulations in regard to imported pork.... 769–771, 786, 787
Merchants, American, in Lima: industrial tax levied upon, by decree of the Chilian general, Lynch. (See Tax, industrial.)
Mexico: amendment to the constitution providing, for the filling of the office President in case of vacancy or disability of the incumbent..... 617–619
opening of Congress; President's message 629–633
immigration to: information as to her desire to have immigrants; how naturalized; inducements offered to; Americans in Mexico; price of lands; and general remarks upon the country..... 624, 625, 635–644
national debt; law for the settlement of..... 658–660
review of the debt and financial condition of the country..... 663–667
meeting of Congress; message of the President..... 675–680

Page.

Italy: elections for members to the House of Deputies; result favorable to present Government 596, 597
Iwakura Tomomi, junior prime minister of Japan: death of 607, 608

J.

Japan and Corea: treaty between 602
treaty limits defined 609
Japan: death of the junior prime minister. (See Iwakura Tomomi.)

K.

Kennedy, Edmund O'B., alias T. Featherstone: arrested and imprisoned at Cork upon the charge of conspiracy; United States citizenship not proven 414–417
Kingsbury, Frederick Lucas: prosecuted under Bulgarian law for practicing medicine without a license after endeavoring to obtain one; question as to the relation of Bulgaria to the Ottoman Empire with reference to the case 812–815, 816
case satisfactorily arranged and permission granted to him to practice his profession 817
Klam, Andrew: military service case of, in Germany 391
Knapp, Rev. Mr. (See Reynolds, George C).
Koernig, Adolph: military service case of, in Germany 391
Korea. (See Corea.)

L.

Laboulaye, Édouard: death of 268, 269
La Fayette: unveiling of a statue of, at Le Puy; speeches made at 277–280, 282
Liberia: meeting of the national legislature and message of the President... 610, 615
resignation of President Gardiner 615
proclamation of President Russell with respect to the rights and welfare of the aborigines 616, 617
Lobos Islands. (See Guano.)
Locust scourge in Venezuela 925
London, International Fisheries Exhibition: United States, exhibit excels all others 421, 422

M.

Macao: the port of, closed on account of cooly trade reopened to emigration. 203, 204
Mails (official): interference with, by Chilian civil authorities. (See Adams, Charles.)
Manufacturing in China: cotton factory established at Shanghai by Mr. Wetmore; efforts to suppress it by Chinese Government in interest of a monopoly in violation of treaty provisions; Chinese authorities contend that under treaties foreigners have no right engage in manufacturing in China 129–141
protest of foreign representatives against the Government's interpretation of the treaty clauses; arrest of the compradore of Mr. Wetmore upon the charge of treason; offer to stay proceedings against him if Mr. Wetmore will close up his company; suppression of silk factory in Shanghai and iron works at Amoy; open hostility of the Government to manufacturing establishments; fears of the authorities that with China's dense population the introduction of labor-saving machinery may destroy its social system and bring ruin and distress upon her industrial classes; reactionary tendencies prevailing 152–168
authorities not enforcing decrees against foreign establishments, but by their acts have intimidated Chinese capital and paralyzed spirit of enterprise, thus gaining their point; warrant against the compradore withdrawn 180
reply of the foreign office to the joint note of the foreign representatives; its construction of the treaties 187–190
reply of Prince Kung to Mr. Young's letter in regard to the Wetmore affair; China's revenue and the welfare of the working classes will be involved if foreigners are permitted to manufacture; Mr. Young replies that the treaty must be respected, and argues against the false theories and fears of the minister 191–197
diplomatic body again address the foreign office: reply of, that further discussion is useless 206, 207, 208
interpretation of the treaties by the Tsung-li-Yamên and the Chinese minister at Washington: meaning of the words Kung tso 215, 216, 217

Page.

Paupers—Continued.
arrival at Boston of Irish emigrants shipped under control of British Government; letters from the collector of the port and governor of Massachusetts; report of Consul-General Merritt on Irish distress and assisted emigration 422–428
statements from the foreign office and agent of the "Tuke fund" that no paupers are sent to the United States and that only such persons have been sent as have relatives in the United States to assist them and provide them with work and that each emigrant is furnished with clothing and money 436–440, 442
return to Great Britain, of certain assisted pauper immigrants; their affidavits 447–450
letter from collector of customs at Buffalo giving list of assisted pauper immigrants arriving in that city from foreign countries by way of Canada 465–467
Conrad Hort, a pauper shipped to New York by the authorities of the canton of Aargau, Switzerland: demand of the United States legation that they be punished 800, 801, 805, 806, 807, 808
shipment of deaf mutes to the United States from the canton of Berne.. 808, 809
Payne, John Howard: disinterment of the remains of, in Tunis and shipment to the United States consul at Marseilles by the British consul, at the request of the United States 487, 412
Peace between Chili and Peru: views of the Department and its instruction to Mr. Partridge in regard to; desire of the United States to preserve the autonomy of Peru and as much of her territory and wealth as consistent with just rights of Chili, but will not support Peru in resisting reasonable demands 707, 708
views of the Department and its instructions to Mr. Logan in regard to peace 74–77
history of peace negotiations in note addressed to minister of foreign affairs of Chili by Mr. Logan 77, 79
report of Chilian minister for foreign affairs to Congress: extract from upon mission of Messrs. Trescot and Blaine 82–85
letter of Mr. Logan to President Montero of Peru: reviews the present situation of affairs and advises acceptance of the terms of Chili, namely, cession of Tarapaca as war indemnity and sale of Tacna and Arica for $10,000,000 85–87
reply of Vice-President Montero to Mr. Logan's letter: states that he only assumed supreme power in absence of Señor Calderon and that bases of peace should be discussed with him, and that he has the right to make preliminary treaty 89, 90
telegram to Mr. Logan commending his efforts, but disavowing all pretensions of settling dispute without being asked to do so 90
reaction in Peru brought about by obstinacy of Calderon; revival of the Iglesias party; efforts of, tending to bring about a peace; manifesto of the "Peace Club" 91, 92
views of the United States in regard to the negotiations for peace; the demands of Chili and claims of Peru; concurrence of the representatives of the two Governments at Washington in the views of the United States; revival of the suggestion of arbitration 92–96
agreement arranged between Señor Novoa, Chilian representative at Lima, and Señor Lavalle, minister of Iglesias, formally signed by Lavalle; terms of the agreement; Peru loses greatly through obstinacy of Calderon; Bolivia makes separate truce 100, 101
separate treaty of peace with Bolivia; refusal of Chili to treat further with Calderon; Chili master of the situation; in view of facts impossible to carry out Department's instructions; Chili regrets that peace with Peru cannot be made a fixed fact by recognition of Iglesias' government by Mr. Logan; Chili utterly renounces Calderon 101, 102
Iglesias has signed treaty; peace will follow if United States recognizes Iglesias 103
message of the President of Chili reviewing efforts made toward conclusion of peace 103, 107
Calderon government continued by Arequipa Congress; it also agrees to cede Tacna and Arica to Bolivia if she will continue to support Peru; Iglesias in possession of North Peru; Iglesias being supported by Chili and desirous of peace will bring to him all the better elements of the country 112, 113

Page.

Mexico—Continued.
boundary treaty with Guatemala 648–651
citizenship acquired by foreigner by the purchase of real estate. (See Citizenship.)
Military burdens of Europe. (See Debts.)
Military service cases. (See Geiler, C. W.; Grau, J. J.; Klam, A.; Koernig, A.; Petersen, H.; Rowe, John T.; Salzer, P. T.; Scheibert, C. W.; Schumann, G.; Schwarz, A.: Staarbach, ——; Witowiak, U.)
"Mini P.," Austrian vessel: indictment and arrest of Capt. A. Randich at Philadelphia; question of jurisdiction arrising out of; right of local authorities to interfere in cases of discipline not recognized; proposed alteration of consular convention with Austria 9–31
Missionaries in Turkey: assaults upon. (See Reynolds, Geo. C.; Cole, R. M.; and Shockmazan mission school.)
Missionary schools at Gaboon: American Board of Foreign Missions desires that representations may be made to France concerning the bad effects of the French decree that all teaching must be in the French language 272–274
Government unable to modify decree, but will endeavor to have the simultaneous use of native dialects tolerated 280, 281
Missionary schools in Bulgaria: closing of 428–436, 444, 451
Morse, Samuel F. B.: unveiling of a tablet in Rome commemorative of his sojourn there 597

N.

Naturalization: (See Expatriation.)
Naval school at Tien-Tsin, China: regulations governing admittance and study; objects of the school 169, 170
Navy, China: building of war vessels by; work done by Chinese; strained relations between China and Japan 202, 203
Nicaragua. (See Canal, interoceanic.)
Nihilists. (See Socialism.)
Nitrates. (See Guano.)

O.

O'Donnell, Patrick: question as to citizenship of; request that legal assistance be employed for his defense refused by legation as beyond the scope of its duty 452–454
defense of, and further correspondence and investigations as to his citizenship 459–464, 467–476
United States requests delay of the execution of the sentence that prisoner's counsel may present alleged points of error. 479
foreign office replies that counsel have submitted representations in behalf of prisoner, and that they have been considered in the usual judicial manner and no grounds found for interfering with the sentence by the Crown 479
Opium: its part in the revenues of India; the Indian financial problem and its relation to the opium question; how England may be influenced to suppress the trade; plan of the Chinese viceroy, Li Hung Chang, for its suppression; China anxious for the United States to use its influence with the English; effects of the opium habit in China 123–129
Dr. Hopper, American missionary, on the question; arguments in favor of the trade from Indian newspapers 181–187
"Ounalaska:" seized by Salvador for conveying arms and munitions of war from San Francisco to revolutionists; captain and crew released and passage furnished to San Francisco at expense of Salvador; vessel placed at disposal of the United States to be prosecuted for violation of the neutrality laws 746–751
Outrages upon foreigners in Peru: (See Foreigners in Peru)

P.

Panama Canal. (See Canal interoceanic.)
Panama Railway: sale of, to Panama Canal Company; Canal Company obligated itself to indemnify railway for losses occasioned by building of canal; reversionary interest of Colombia in the road; Colombia therefore claims indemnity 217–219
Paupers and criminals, assisted emigration of: attempt by Danish authorities to send the criminal Jensen to the United States prevented by the remonstrance of the United States chargé 251, 252

Page.

Petroleum—Continued.
council of state decides that demand for suspension of privilege cannot be acceded to 842, 844
memorandum of appeal to the Sultan 845–847, 849
Turkey refuses to restore dues collected for storage; protests of the American and Russian legations against the storage tax; repayment of dues demanded 874–876, 877, 880, 881
appointment and work of a commission to investigate the subject of the concession 878, 887, 888
Pflaum, Dr. Maurice: assault upon, arrest, and imprisonment of by Turkish officials at Axar; correspondence and affidavits in the case 853–864
United States demands dismissal of the governor of Axar and payment of £2,000 as indemnity for the injuries to Dr. Pflaum.... 864, 873, 874, 879, 880, 887
Polynesia: protest of Hawaiian Government against the annexation of the islands of, by foreign powers; appeals to the governments to respect and preserve their national independence; United States does not feel called upon to interpose 564, 572, 574–576
Pork: American. (See Meats, American.)
Portugal: summary of the budget and debt 734–736
constitutional reforms suggested by the ministry to be adopted by the Cortes 736–738
royal estates: economical administration and retrenchment in the management of 738, 739
summary of laws passed by the Cortes 742, 743

R.

Railways: from Santo Tomas to Guatemala City; personal tax levied upon each citizen of Guatemala for the construction of; decree of the President in regard to 70, 71, 72
China: reactionary influences preventing introduction of; report upon Kaiping mines and railway by Consul Zuck 197–201
opening of a road from Laguayra to Caracas, in Venezuela 925, 926
Randich, A. (See "Mimi P.")
Reynolds, George C., and Rev. Mr. Knapp: assault and robbery of, by Koords in Armenia 850–853, 864, 866, 881, 882
correspondence from British consul at Van giving an account of the affair and names of the perpetrators 882–886
officials of the district dismissed 888–891
Rhine inundation. (See Inundated districts of Germany.)
Rowe, John T.: arrested for military duty by Argentine Republic 1, 2, 4, 5
Russia: coronation of the Czar; invitations not sent to Admiral Baldwin, of the special mission of the United States; apologies made for the apparent slight 743–745

S.

Saint John River, free navigation of: complaint of John D. Baird, of Maine, against Hale & Murchie, of Woodstock, New Brunswick, for the construction of a boom obstructing the river in contravention of treaty provisions 445–447
Salvador: treaty of arbitration with Colombia 236, 237
seizure of the Ounalaska by. (See Ounalaska.)
Salzer, Philip T.: military service case of, in Germany 393
Scheibert, Charles William: military service case of, in Germany ... 344–348, 358, 394
Schmidt, O. and G.: question as to the citizenship of, raised by France; claim of being citizen of the United States not recognized 270–272, 274
Schumann, Gustav: military service case of, in Germany 391
Schwarz, Alexander: military service case of, in Germany 392
Ships' registers and papers: claim of Colombia that the inspector of the port and not the foreign consul should be the custodian of; review of the negotiations with Colombia 223–227, 231
Colombian regulations inconvenient and a vexatious restraint upon trade at the Isthmus: Mr. Scruggs instructed to suggest to the Government the adoption of more simple methods for the clearance of vessels 233–234
Colombian executive will endeavor to have Congress modify regulations governing clearance of vessels 237–239
correspondence with British legation at Washington relative to .. 481, 491, 492, 495
custody of, in Venezuelan ports 897, 904, 919–921, 931, 932

Page.

Peace between Chili and Peru—Continued.
peace protocol between Novoa and Iglesias; cession to Chili of Tarapaca; Tacna and Arica to be held by Chili for ten years, then to belong to country to whom voted by inhabitants by payment of $10,000,000 to the other; Chili to pay 50 per cent. of net proceeds from sale of 1,000,000 tons of guano to foreign bondholders of Peru; Chili relinquishes claim upon Lobos Islands 116, 117
appointment of Mr. Phelps and Mr. Gibbs as ministers to Peru and Bolivia; Mr. Logan instructed to confer with them 118
defeat of Cáceres; Iglesias's movement strengthening; all parties declaring for him 118, 119
Chilian minister at Washington informs the Department of the defeat and dispersion of the forces of Cáceres; fall of Arequipa; flight of Montero 122, 123
views of the Department in regard to peace settlement expressed to Mr. Phelps; agreement between Iglesias and Chili discussed; rumored adhesion of country to Iglesias; if facts are as alleged, United States will not, by adhering to recognition of Calderon government, impede advance toward amicable adjustment of difficulty 709–711
review of situation in Peru by Mr. Phelps; growing feeling in favor of Iglesias's movement; Chilians will succeed in establishing Iglesias; Chili forced to organize a Government; Peruvians unable to form one; Germany to follow United States in recognition of Government; the Chiclayo affair 712–716
preparations for evacuation of Lima as soon as Peruvian force under Iglesias is organized to take possession; movement upon Arequipa; rumors of support of Montero by Bolivia and Argentine Republic; Indian population support Piérola; anarchy and lawlessness have possession of the country; Chili furnishing arms and money to Iglesias; peace probable only through Iglesias 717–722
Mr. Phelps believes Iglesias should be supported, but unable to advise his recognition under present circumstances 719
rumor that Bolivia will seize Arequipa and Mollendo, thus securing outlet to the sea 722
Chili insists upon conditions of peace protocol 722
Iglesias and Chilian Government in perfect accord; Sama River agreed upon as boundary; Mr. Logan urges recognition of Iglesias's government 121, 122
treaty signed; Chili recognizes Iglesias as President; evacuation of Lima 723
Mr. Phelps does not favor recognition of Iglesias at present; no free action of the people in his favor; large hostile force under Montero and Cáceres 724
arrival of Iglesias at La Paz 724
history of the establishment of the Iglesias government by Mr. Lavalle, appointed minister of foreign relations under Iglesias 724, 726
Indians attacking the whites in central departments; leading classes not supporting Iglesias 726
instructions of the Department to Mr. Phelps; if assembly about to convene represents the people and declares for Iglesias, United States will will recognize him 727, 728
the Indian movement growing; Cáceres with them; he issues proclamation declaring himself ruler and his intention to continue war against Chili and Iglesias; Government unable to contend with him; Peru paying expenses of Chilian troops retained in country 729, 730
Article VIII of treaty repudiates mortgages resting on guano deposits in Tarapaca; treaty expressly disregards all private rights; copy of treaty. 730–733
Cáceres still retains control of the central and southern departments 733
Persia: account of the journey of the United States representative to the court of; ceremonies attending his reception 702–706
Peru: treaty of peace with Chili 731–733
debt of. (See Guano.)
outrages upon foreigners in. (See Foreigners in Peru.)
war events. (See Peace between Chili and Peru.)
Petersen, Henry: military service case of, in Germany 392
Petroleum: complaints from American shippers of, that exclusive privilege to receive and store petroleum granted to a Turkish subject by the Sultan operates as a discrimination against the American and in favor of the Russian article, as the latter is sold from the vessel 822–824, 829–83

Page.

Turkey—Contiuued.
tariff of: Turkey gives notice that tariff of customs concluded with United States having ceased to be in force, she will collect 8 per cent. ad valorem on all imports 841, 842
similar notice given to Great Britain and Germany 843
appointment of delegate to confer with others upon the question of a revision of the tariff 850
views of the legation upon the question of revision, presented to the foreign office 867–870
storage tax imposed upon petroleum. (See Petroleum.)
tax imposed upon imported alcohol. (See Alcohol.)

V.

Venezuela, foreign debt: statement of, and history of negotiations relative to; proposal that United States receive a certain portion of the customs revenue, and apply pro rata among the creditor governments..364–369, 386, 387, 443
discriminating duty imposed by, on imports. (See Discriminating duty.)
mixed claim commission: Venezuela proposes stopping the monthly payments of the awards of the commission: protest of the United States against such action 904, 905, 906, 907, 908
presentation of the case of Venezuela 921–925
Verdelet, Eugene: question as to the citizenship of, raised by France; claim to being citizen of the United States not recognized 285, 276, 285
Vessels: internal discipline of; as to right of local authorities to interfere in the discipline of foreign vessels while in port. (See Ararat and Mimi P.), Austrian vessels.

W.

War in South America. (See Peace between Chili and Peru.)
Washington, George: ceremonies and speeches at the unveiling of the statue of Washington in Caracas 927–931
Wetmore, W. S. (See Manufacturing in China.)
Wheelock, John E., claim of, against Venezuela for outrages inflicted upon him by a civil officer of: instructions to the legation to push the claim to a settlement 896, 900, 901, 906, 933
account of the outrage 902–904
correspondence and reports of the Venezulan officials of the results of their investigations of the outrage and attempts to arrest the perpetrators 908–919
Witowiak, Valentine: military service case of, in Germany 393

Z.

Zaire. (See Congo).
Zaldua, President of Colombia, death of: second vice-president succeeds to the office 230
sympathy of the President of the United States and people conveyed to minister for foreign affairs 231, 232

O